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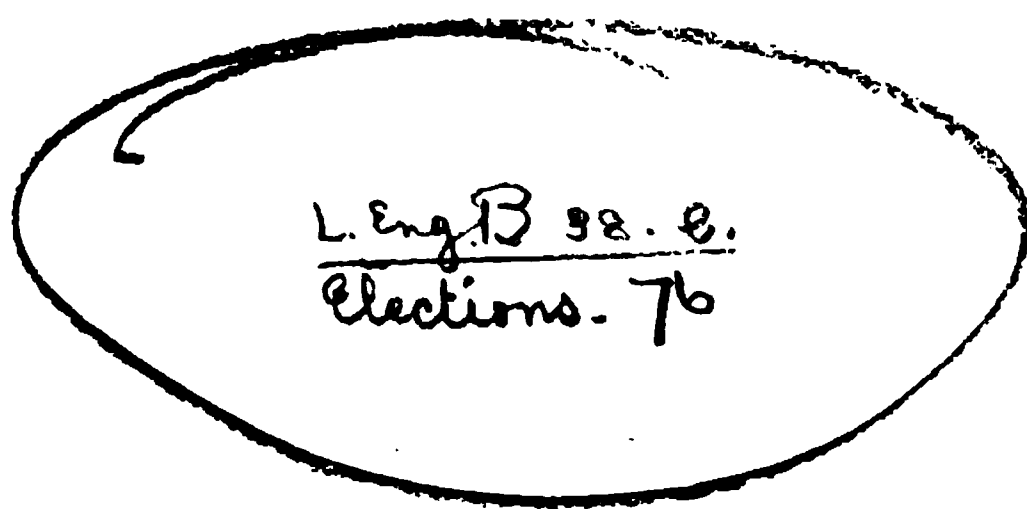
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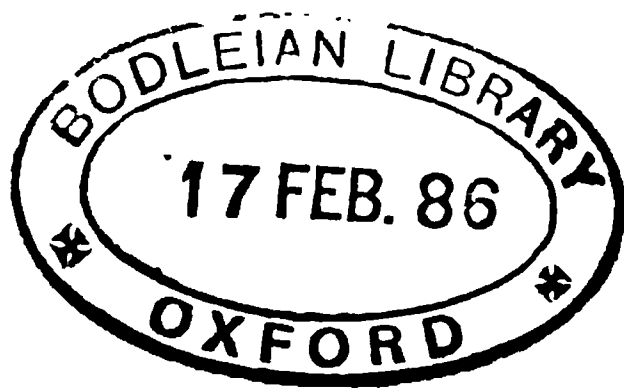
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TABLE OF CONTENTS.

	PAGE
PREFACE	iii
TABLE OF STATUTES	vii
TABLE OF CASES	ix
HISTORY AND SUMMARY	xiii
PART I.	
QUALIFICATION OF ELECTORS	1
PART II.	
REGISTRATION OF ELECTORS	74
PART III.	
ELECTORAL AREAS	245
TABLE OF PARLIAMENTARY COUNTIES AND BOROUGHES	339
PART IV.	
DISQUALIFICATION OF CANDIDATES	345
PART V.	
THE ELECTION	388
PART VI.	
ELECTION PETITIONS	521
INDEX	557

TABLE OF STATUTES.

* * The statute or section is printed at the page given.

	PAGE		PAGE
3 Edw. 1, c. 5	388	57 Geo. 3, c. 62, s. 10	366
8 Hen. 6, c. 7	2	_____ c. 64, s. 15	367
10 Hen. 6, c. 2	4	1 & 2 Geo. 4, c. 44, s. 1	367
27 Hen. 8, c. 26	244	4 Geo. 4, c. 7, s. 3	367
5 & 6 Will. & M., c. 7, s. 59	346	7 Geo. 4, c. 32	368
_____ c. 20, s. 32	347	7 & 8 Geo. 4, c. 53, s. 8	368
7 & 8 Will. 3, c. 7, ss. 3-6	389	_____ c. 65, s. 5	369
_____ c. 25, ss. 1, 2	390	10 Geo. 4, c. 7, ss. 2, 9	11, 369
_____ s. 6	4	_____ c. 44, s. 18	12, 370
_____ s. 7	4, 347	_____ c. 62	370
12 & 13 Will. 3, c. 2, s. 3	348	1 & 2 Will. 4, c. 33, s. 11	371
_____ c. 10, s. 88	348	2 Will. 4, c. 45 (Reform Act)	
6 Anne, c. 7 (c. 41, rev. stat.),		_____ ss. 1-10	245
_____ ss. 24-29	349	_____ s. 11	397
7 Anne, c. 20, s. 22	352	_____ ss. 15-17, & Sched.	249
10 Anne, c. 23	5	_____ ss. 18-36	13
1 Geo. 1, st. 2, c. 38	391	_____ ss. 61-79	398
_____ c. 56	352	2 & 3 Will. 4, c. 40, s. 1	371
6 Geo. 1, c. 18, s. 10	352	_____ c. 87, s. 36	371
7 Geo. 2, c. 16, s. 4	353	5 & 6 Will. 4, c. 35, s. 5	371
15 Geo. 2, c. 13, s. 8	353	_____ c. 36	402
_____ c. 22, ss. 1-3	353	6 & 7 Will. 4, c. 13, s. 18	372
18 Geo. 2, c. 18	6	_____ c. 29, s. 19	372
19 Geo. 2, c. 28	7	2 & 3 Vict. c. 81, s. 3	28
21 Geo. 2, c. 19, s. 11	354	_____ c. 93, s. 9	28
3 Geo. 3, c. 15	8	4 & 5 Vict. c. 35, s. 5	372
20 Geo. 3, c. 17	9	5 & 6 Vict. c. 35, s. 184	29
22 Geo. 3, c. 45	355	6 Vict. c. 18 (Registration Act,	
_____ c. 82, ss. 1, 2, 30	357	_____ 1843), ss. 1-71	74
24 Geo. 3, c. 26	391	_____ ss. 73-8	29
26 Geo. 3, c. 100	9	_____ ss. 79-97	403
33 Geo. 3, c. 64	394	10 Vict. c. 21	409
39 & 40 Geo. 3, c. 67, Art. 4	358	11 & 12 Vict. c. 90	33
41 Geo. 3, c. 52	358	13 & 14 Vict. c. 94, s. 3	372
_____ c. 63	362	14 & 15 Vict. c. 14	120
42 Geo. 3, c. 116, s. 185	364	_____ c. 42, ss. 10, 20	372
44 Geo. 3, c. 54, s. 58	364	_____ c. 57, s. 2	373
48 Geo. 3, c. 140, s. 14	364	15 & 16 Vict. c. 23	410
52 Geo. 3, c. 38, s. 195	364	16 Vict. c. 15, ss. 2, 3	410
_____ c. 68, s. 176	364	16 & 17 Vict. c. 57, s. 2	373
53 Geo. 3, c. 49	11	_____ c. 68	411
_____ c. 89	394	_____ c. 137, s. 5	373
54 Geo. 3, c. 16	365	17 & 18 Vict. c. 57	412
56 Geo. 3, c. 46, s. 8	365	_____ c. 102 (Corrupt	
_____ c. 98, s. 16	366	Practices Act)	413

	PAGE		PAGE
17 & 18 Vict. c. 117, s. 11 . . .	373	33 & 34 Vict. c. 17, ss. 2, 3 . . .	380
19 & 20 Vict. c. 2, s. 9 . . .	373	———— c. 23, s. 2 . . .	52, 380
———— c. 69, s. 9 . . .	34	———— c. 75, s. 91 . . .	53
———— c. 116 . . .	373	34 & 35 Vict. c. 70, s. 4 . . .	381
20 & 21 Vict. c. 60, s. 14 . . .	374	35 & 36 Vict. c. 33 (Ballot Act). . .	430
———— c. 79, s. 7 . . .	374	———— c. 44, s. 4 . . .	381
21 & 22 Vict. c. 72, s. 7 . . .	374	———— c. 58, s. 41 . . .	381
———— c. 106, ss. 4, 12 . . .	374	36 & 37 Vict. c. 70 . . .	134
———— c. 110 . . .	374, 418	———— c. 77, s. 6 . . .	382
24 & 25 Vict. c. 53 . . .	419	37 & 38 Vict. c. 22 . . .	53
———— c. 112, s. 9 . . .	253	———— c. 53 . . .	137
25 & 26 Vict. c. 99, s. 4 . . .	375	38 & 39 Vict. c. 77, s. 5 . . .	382
26 Vict. c. 20 . . .	422	———— c. 84 . . .	456
26 & 27 Vict. c. 29, s. 6 . . .	423	39 & 40 Vict. c. 79, s. 10 . . .	54
———— c. 65, s. 5 . . .	376	40 & 41 Vict. c. 57, s. 13 . . .	382
27 & 28 Vict. c. 34 . . .	376	41 Vict. c. 3 . . .	54
28 Vict. c. 36 (Registration Act, 1865). . .	121	41 & 42 Vict. c. 26 (Parliamentary and Municipal Registration Act) . . .	139
29 & 30 Vict. c. 39, s. 3 . . .	377	42 Vict. c. 10 . . .	56
———— c. 54 . . .	126	42 & 43 Vict. c. 75 . . .	554
———— c. 55, s. 1 . . .	377	44 & 45 Vict. c. 49, s. 54 . . .	382
30 & 31 Vict. c. 44, s. 4 . . .	378	———— c. 68, s. 13 . . .	554
———— c. 72 . . .	378	———— s. 14 . . .	163
———— c. 84, s. 26 . . .	34	45 & 46 Vict. c. 49, s. 38 . . .	383
———— c. 102 (Representation of People Act), ss. 1-7 . . .	35	———— c. 50, s. 163 (6) . . .	383
———— ss. 9-11 . . .	423	———— s. 244 . . .	464
———— ss. 11-16 . . .	40	46 & 47 Vict. c. 35, s. 7 . . .	57
———— ss. 17-25 . . .	254	———— c. 51 (Corrupt and Illegal Practices Act, 1883) . . .	465
———— ss. 26, 27 . . .	42	———— ss. 6, 10 . . .	57
———— ss. 28-32 . . .	126	———— ss. 4, 5, 11, 38, 46 . . .	383
———— ss. 33-37 . . .	424	———— c. 52, ss. 32, 33 . . .	385
———— ss. 41-45 . . .	425	———— s. 116 (1) . . .	386
———— ss. 40, 46 . . .	43	47 & 48 Vict. c. 16, ss. 5, 6 . . .	386
———— s. 47 . . .	426	———— c. 70, s. 2, suba. 2. . .	387
———— ss. 49-51 . . .	426	———— s. 7 . . .	58
———— s. 52 & Sched. . .	378	48 Vict. c. 3 (Representation of People Act, 1884) . . .	59
———— s. 53 . . .	44, 427	———— c. 10 (Hours of Poll Act) . . .	515
———— ss. 55, 56 . . .	44	———— c. 15 (Registration Act, 1885) . . .	163
———— ss. 57, 58 . . .	427	48 & 49 Vict. c. 23 (Seats Act, 1885), ss. 1-9 . . .	257
———— s. 59 . . .	45	———— s. 10 . . .	72, 236
———— s. 61 . . .	45, 428	———— ss. 12-16 . . .	516
———— c. 114, s. 9 . . .	378	———— s. 17 . . .	238
31 & 32 Vict. c. 58 (Registration Act, 1868), ss. 1-20 . . .	130	———— ss. 18-26 . . .	262
———— s. 21 . . .	428	———— ss. 27, 28 . . .	72
———— ss. 22-32 . . .	131	———— ss. 29-34 . . .	240
———— s. 33 . . .	428	———— c. 46 (Medical Relief) . . .	73
———— c. 65 . . .	429	———— c. 56 . . .	519
———— c. 73 . . .	46	———— c. 57 (Revising Barristers) . . .	243
———— c. 125 (Parliamentary Elections Act, 1868) . . .	521	———— c. 61 . . .	387
32 & 33 Vict. c. 15, s. 1 . . .	379	———— c. 62 (Returning Officers). . .	520
———— c. 41 (Poor Rate Assessment and Collection Act) . . .	46		
———— c. 42, s. 9 . . .	379		
———— c. 43, s. 17 . . .	379		
33 Vict. c. 14 . . .	50		
33 & 34 Vict. c. 10, s. 14 . . .	380		

TABLE OF CASES.

***.* Only the alternative references not given in the text are given here.**

A.		PAGE			PAGE
Abel v. Lee, 40 L. J. O. P.	154;		Beswick v. Alker		15
23 L. T.	844;	36	Bewdley Case, The		26
Adams v. Bostock		157	Birch v. Edwards		112
Adey v. Hill, 16 L. J. O. P.	63.	107	Bishop v. Helps, 15 L. J. C. P.	43	113
Alcock's Case		348	Blain v. Pilkington		88
Allworth v. Dore, 17 L. J. C. P.			Bond v. St. George's, Hanover		
142		106	Sq., Overseers		38
Amherst v. Somers		66	Roon v. Howard		55
Ancketill v. Baylis, 52 L. J. Q. B.			Bradley v. Baylis		37, 163
104; 48 L. T.	342; 31 W. R.		Brewer v. McGowen		37
233; 1 Colt.	289	163, 37	Brown v. Tamplin, 27 L. T.	610;	
Anelay v. Lewis		31	25 W. R.	125; 2 H. & C.	17
Ashby v. White		111	Brumfitt v. Bremner, 3 L. T.	375;	
Ashcroft's Case		97	9 W. R.	144	99, 100
Ashmore v. Lees, 15 L. J. C. P.			— v. Roberts, 22 L. T.	301;	
65		13, 31	18 W. R.	678; 1 H. & C.	387.
Astbury v. Henderson		3	Buckley v. Wrigley, 25 L. T.	835;	
— v. Lee		13	1 H. & C.	661	3
Attorney-General v. Bradlaugh			Bulmer v. Norris, 3 L. T.	470;	
		348, 369	9 W. R.	122.	3
Austin v. Cull		36	Bunting's Case		15
Autey v. Topham		105	Burton v. Blake		107
			— v. Brooks		31, 95
			— v. Gery		76
			— v. Langham, 17 L. J. O. P.		
			253		14
			Bushell v. Eastes, 31 L. J. C. P.		
			44; 5 L. T.	580; 10 W. R.	153
					3
B.			C.		
Bakewell v. Peters		71	Capell v. Aston Overseers		15
Ballard v. Robins, 37 L. T.	436;		Cheltenham Case, The		348
26 W. R.	80; 2 H. & C.	384	Chorlton v. Johnson		15
Barclay v. Parrott, 26 L. J. C. P.	77	112	— v. Kessler, 1 H. & C.	42	3
Barnes v. Peters		37	— v. Lings		36, 42
Barrow v. Buckmaster, 22			— v. Stretford		39
L. J. C. P.	65	13	— v. Tonge Overseers.		131
Bartlett v. Gibbs, 13 L. J. C. P.			Christ's College v. Martin, 46		
40		157, 191	L. J. Q. B.	591; 36 L. T.	537;
Baxter v. Newman, 14 L. J. C. P.			25 W. R.	637	105
193		32	Cirencester Case, The		26
Beal v. Ford		24	Clark v. Bury St. Edmonds Over-		
Bedford Case, The		26	seers, 1 C. B. (N.S.)	23	60
Beenlen v. Hockin, 16 L. J. C. P.			Clarke v. Beaton		106
49		191, 192	— v. Bradlaugh		369
Bell v. Crane, 42 L. J. M. C.	122;		Clementson v. Mason, 32 L. T.		
29 L. T.	207; 21 W. R.	911	325; 23 W. R.	620	443
Bendle v. Watson, 41 L. J. C. P.		66	Colchester Case, The		26
15; 25 L. T.	806; 20 W. R.		Collier v. King, 5 L. T.	674; 10	
145; 1 H. & C.	591	156, 157	W. R.	131	31
Benesh v. Booth		112			
Bennet v. Brumfitt		97			
Bennett v. Atkins, 48 L. J. C. P.					
95; 40 L. T.	66; 27 W. R.	231			
		57			

TABLE OF CASES.

xi

	PAGE
Huckle v. Piper	40
Hughes v. Chatham Overseers, 13 L. J. C. P. 44	18, 60
Hunt v. Sharp	112
Hurdle v. Waring, 30 L. T. 329; 22 W. R. 735	432

J.

Jacobs' Case	147
James v. Howarth, 28 W. R. 923; 151 Colt. 87	157
Jeffrey v. Kitchenier, 14 L. J. C. P. 75	24
Jones v. Bubb, 38 L. J. C. P. 57; 19 L. T. 483; 17 W. R. 205; 1 H. & C. 128	36, 49
— v. Jones	191, 192
— v. Mersey Docks	61
— v. Pritchard	115, 192

K.

King v. Burrell	401
Kirby v. Biffen	37
Kirton v. Dear	8
Knowles v. Brooking, 15 L. J. C. P. 109	192

L.

Lowe v. Maillard, 38 L. J. C. P. 179	109
Lawrence v. Wilcock	105
Lawson's Case.	347
Lee v. Hutchinson, 20 L. J. C. P. 4.	3, 31
Leonard v. Alloways, 40 L. T. 197 77, 78, 92	
Lewis v. Evans	113
— v. Roberts	112
Lilley v. Corne	414
Little v. Penrith Overseers	110
Lowcock v. Broughton Overseers	17
Luckett v. Voller, 31 L. J. C. P. 43; 5 L. T. 312; 10 W. R. 105	107
Lynch v. Wheatley	158

M.

McLaren v. Home, 5 L. J. Q. B. 658; 45 L. T. 350; 30 W. R. 85	432
Malcolm v. Parry	439
Marshall v. Bown, 14 L. J. C. P. 129	4
Mashitter v. Dunn, 18 L. J. C. P. 80	26
Mather v. Allandale Overseers	156
Melbourne v. Greenfield	115, 192
Miller v. Salomans	369
Moore v. Carisbrooke Overseers, 22 L. J. C. P. 64	13
Moorhouse v. Gilbertson	8

	PAGE
Morfee v. Norris	37
Morgan v. Parry	81
Moss v. Litchfield	110
Murray v. Thornley, 15 L. J. C. P. 155	17

N.

Nettleton v. Burrell	95
Newton v. Crowley Overseers	5
— v. Hargreaves, 15 L. J. C. P. 154	5
— Overseers v. Mobberley, 15 L. J. C. P. 154	5, 106
Norris v. Pilcher, 19 L. T. 163; 17 W. R. 225	112
Norrish v. Harris, 14 L. T. 764; 14 W. R. 479	18
North Berwick	849
Northcote v. Pulsford	441
Noseworthy v. Buckland	112
Nuth v. Tamplin, 51 L. J. Q. B. 177; 30 W. R. 346	108, 150, 163

P.

Palmer v. Allen, 18 L. J. C. P. 5	107
Passingham v. Pitty	109
Petersfield Case, The	26
Petherbridge v. Ash	105, 106
Philips v. Salmon, 47 L. J. C. P. 53; 37 L. T. 579; 2 H. & C. 339	3
Philpotts v. Philpotts	5
Pickard v. Baylis, 49 L. J. C. P. 182; 41 L. T. 509; 28 W. R. 256; 1 Colt. 98	109, 150, 157
Pickering v. James, 42 L. J. C. P. 217; 21 W. R. 786	432
Piercy v. Maclean	18
Pitts v. Smedley, 14 L. J. C. P. 73	107
Points v. Atwood, 18 L. J. C. P. 19	76, 115
Porrett v. Lord	157
Powell v. Farmer, 34 L. J. C. P. 71; 11 L. T. 736; 13 W. R. 467	18
— v. Guest, 11 L. T. 599; 13 W. R. 274	19, 38
Pownall v. Hood	106
Pring v. Estcourt	95
Prior v. Waring	97
Proctor v. Annison, 1 L. T. 187	16
Proudfoot v. Barnes	153
Pryce v. Belcher, 16 L. J. C. P. 264	111

R.

Rawlins v. West Derby Over- seers, 15 L. J. C. P. 70	76, 77, 106
Re Allen, 6 C. B. (N.S.) 234.	108
Reading Case	352, 359

	PAGE		PAGE
<i>Reg. v. Institute of Civil Engineers</i> , 49 L. J. M. C. 34; 42 L. T. 145; 28 W. R. 253 . . .	66	<i>Stowe v. Jolliffe</i> , 43 L. J. C. P. 265; 30 L. T. 795; 22 W. R. 911 . . .	25, 157, 436
— <i>v. Mayor of Bridgnorth</i> . . .	44	<i>Sulston v. Norton</i> . . .	414
— <i>v. Metropolitan Board of Works</i> , 38 L. J. M. C. 24; 19 L. T. 348 . . .	66		
— <i>v. St. Martin's, Leicester</i> . . .	66	T.	
<i>Rendlesham v. Haward</i> , 29 L. T. 679; 22 W. R. 157; 2 H. & C. 175 . . .	36	<i>Taunton Case, The</i> . . .	11
<i>Riley v. Crossley</i> . . .	5	<i>Taylor v. Kensington Overseers</i> . . .	38
<i>Roberts v. Percival</i> , 18 C.B.(N.S.) 36; 11 L. T. 683; 13 W. R. 265 . . .	31	<i>Thackway v. Pilcher</i> . . .	115
<i>Robson v. Brown</i> . . .	97	<i>Thompson v. Pearce</i> . . .	355
<i>Rolleston v. Cope</i> , 40 L. J. C. P. 160; 24 L. T. 390; 19 W. R. 927; 1 H. & C. 488 . . .	3, 4	<i>Thorniley v. Aspland</i> . . .	4
<i>Rothschild's Case</i> . . .	355	<i>Toms v. Cuming</i> . . .	78, 112
<i>Royse v. Birley</i> , 20 L. T. 786; 17 W. R. 827 . . .	355	<i>Topham v. Kelleher</i> . . .	95
<i>Ryder v. Hamilton</i> . . .	436, 443	<i>Trenchard's Case</i> . . .	347
		<i>Trenfield v. Lowe</i> , 20 L. T. 394; 17 W. R. 673 . . .	13
S.		<i>Trotter v. Trevor</i> . . .	26
<i>Scott v. Durant</i> , 11 L. T. 676; 13 W. R. 316 . . .	95	— <i>v. Walker</i> . . .	193
<i>Sheil v. Ennis</i> . . .	432	<i>Truscott v. Bevan</i> . . .	414, 520
<i>Sherlock v. Steward</i> . . .	3		
<i>Sherwin v. Whyman</i> , 43 L. J. C. P. 36; 29 L. T. 680; 22 W. R. 127 . . .	95, 97	W.	
<i>Simey v. Dixon</i> , 41 L. J. C. P. 18; 25 L. T. 811; 20 W. R. 238 . . .	193	<i>Wade's Case</i> . . .	351
— <i>v. Marshall</i> . . .	13	<i>Wadmore v. Dear</i> , 41 L. J. C. P. 49; 26 L. T. 28; 20 W. R. 239 . . .	3
<i>Simpson v. Yeend</i> , 21 L. T. 56; 17 W. R. 1100 . . .	414	<i>Walker v. Payne</i> , 15 L. J. C. P. 38 . . .	191
— <i>v. Wilkinson</i> , 14 L. J. C. P. 49 . . .	31	<i>Wallis v. Birks</i> , 39 L. J. C. P. 106; 22 L. T. 268; 18 W. R. 734 . . .	3
<i>Smith v. Birmingham Guardians</i> . . .	66	<i>Wanklyn v. Woollett</i> . . .	95, 97
— <i>v. Foreman</i> , 11 L. T. 673; 13 W. R. 291 . . .	30	<i>Wansey v. Perkins</i> . . .	121
— <i>v. Hale</i> , 9 L. T. 413; 12 W. R. 172 . . .	26	— <i>v. St. Peter-le-Poor Overseers</i> . . .	106
— <i>v. Holloway</i> . . .	78	<i>Warburton v. Denton</i> . . .	39
— <i>v. Huggett</i> . . .	112	<i>Watson v. Cotton</i> , 17 L. J. C. P. 68 . . .	107
— <i>v. Seghill</i> , 44 L. J. M. C. 114; 32 L. T. 859; 23 W. R. 745 . . .	49, 145	<i>Webb v. Aston Overseers</i> . . .	16
— <i>v. Woolston</i> . . .	157	<i>Webster v. Ashton-under-Lyne Overseers</i> . . .	17, 107
<i>Spencer v. Harrison</i> , 41 L. T. 676; 28 W. R. 985 . . .	39, 414	<i>West v. Robson</i> . . .	13
<i>Stannanought v. Hazeldine</i> , 40 L. J. M. C. 89; 40 L. T. 589; 27 W. R. 620 . . .	434	<i>Westminster Case, The</i> . . .	51
<i>Steele v. Bosworth</i> , 11 L. T. 937; 13 W. R. 260 . . .	4, 31	<i>White v. Pring</i> . . .	107
		<i>Whitehorn v. Thomas</i> , 14 L. J. C. P. 38 . . .	19, 107
		<i>Whitmore v. Wenlock Town Clerk</i> , 13 L. J. C. P. 55 . . .	18
		<i>Wigton Case, The</i> . . .	
		<i>Willis v. Machachlan</i> . . .	125
		<i>Wilson v. Salford</i> , L. R. 4 C. P. 389; 19 L. T. 483 . . .	36, 95
		<i>Wood v. Hopper</i> , 33 L. T. 531; 24 W. R. 187 . . .	3
		— <i>v. Willesden Overseers</i> , 15 L. J. C. P. 41 . . .	156
		<i>Woodward v. Sarsons</i> . . .	437
		<i>Wright v. Stockport Town Clerk</i> , 13 L. J. C. P. 50 . . .	18

HISTORY AND SUMMARY OF THE LAW OF PARLIAMENTARY ELECTIONS IN ENGLAND.

HISTORY.

THE House of Commons of the United Kingdom derives its origin from the Great Council of the nation in England under the Norman sovereigns, which was the successor of the Anglo-Saxon Witanagemot. The Great Council was summoned by the Sovereign when he required pecuniary aids beyond that reserved to him as feudal superior. It was originally composed on the one hand of the spiritual lords, and on the other of the tenants in capite, or those who held land direct from the Crown on condition of rendering military service, and these latter were divided into majores barones and the rest of the tenants in capite. At what date the division, foreshadowing the present two estates of Parliament, took place, and what was its precise nature, is uncertain; but in the Charter of King John we find it promised that whenever an aid or scutage is required "*faciemus summoneri archiepiscopos, episcopos, abbates, comites, et majores barones regni sigillatim per literas nostras et præterea faciemus in generali per vicecomites et ballivos nostros omnes alios qui in capite tenent de nobis.*" These lesser tenants in capite, summoned in general through the sheriffs and bailiffs, were the nucleus of the House of Commons. By an easy transition these numerous tenants in capite, instead of personally answering the summons, sent some of their number, who represented the county of the sheriff intrusted with summoning them. By a further transition, especially intelligible after the statute of *Quia Emptores* (18 Ed. 1), which upon every alienation created a new tenant of the Crown, all freeholders, whether holding direct from the Crown or mediately, being present at the County Court at which the election took place, took part in it. This practice was not always confined even to freeholders, because by 7 Hen. 4, c. 15, the right to elect was attributed to "all who are there present in the County Court, as well suitors duly summoned for that cause *as others.*" That the electors at this period were very numerous is clear from the preamble to 8 Hen. 6, c. 7, which recites "that elections of knights of shires have now of late been made by very great outrageous and excessive number of people dwelling within the same counties," and which confines the election to freeholders of lands to the value

of forty shillings a year, a provision which constitutes the first statutory enactment as to elections still in force.

As the towns grew in prosperity, the sheriffs were directed to summon representatives from them also. At what date this first took place is matter of controversy; but we find that in the 49th of Henry III. (1265), writs were issued at the instance of Simon de Montfort to sheriffs of each county, to return not only two knights for the body of their county, but two citizens or burgesses for each city or borough. The qualification of voters in boroughs and cities created counties of themselves easily followed the analogy of the counties at large, but in the great majority of cities and boroughs it presents a question of great complexity; but it may be said that, apart from any special terms in a charter of incorporation, or any special custom, it resided in householders paying scot and lot or local rates and taxes. Sometimes it belonged to the tenants of certain lands in the borough, sometimes, when derived from a charter of incorporation, to the freemen, or general body of the corporation, and sometimes, again, was restricted to its governing body. By 2 Geo. 2, c. 2, the last determination of the House of Commons was made conclusive of the composition of the electors of any borough. Whatever the electoral body in boroughs was, it subsisted unchanged until the Reform Act of 1832, except that in 1786, by 26 Geo. 3, c. 100, "occasional inhabitants" were deprived of the right to vote, and six months tenure of the qualification by inhabitancy of "potwallers" and others was required.

While the counties except Chester, Durham, and Monmouth from the earliest records of the House of Commons returned each two members, the boroughs returning members varied from time to time, at one time through the sheriff failing to summon burgesses, and at another, through the Crown granting the right to return members as a franchise, and again at another through towns which had ceased to return members reasserting their privilege on the well-recognized principle that the right once obtained could not be lost by disuse. At the accession of Henry VIII. 224 citizens and burgesses represented 111 towns; London returning four members (Hallam, *Const. Hist.*, vol. iii., p. 36, 8th ed.). All of these returned representatives down to the Reform Act of 1832. In the same reign representation was extended to Wales (27 Hen. 8, c. 26), each of the twelve counties sending one member, to the counties of Chester and Monmouth, and even to Berwick and Calais. Edward VI. created fourteen boroughs; Mary, twenty-one; Elizabeth, sixty; and James I., twenty-seven. In 1673, the county and city of Durham obtained by Act of Parliament the right of representation, and the prerogative of the Crown was recognized about the same time in the case of Newcastle, after which it fell into disuse. The common law mode of representation, both of counties and boroughs, was by two members and

no more, the only exception being that the City of London returned four members,—a number which was, for the first time, reduced to two members by the Redistribution of Seats Act, 1885.

It is a remarkable example of the local character attached at one time to Parliamentary representation, that by the statute 8 Hen. 6, c. 7, already referred to, not only were the electors required to be resident in the county, but the knights of the shire also, and these provisions were not abrogated until 1774 by 14 Geo. 3, c. 58. The constituencies were also bound to pay for the maintenance of their representatives during the session, and on journeying to and fro, the sum of four shillings a-day for knights of the shire, and two shillings for burgesses, a provision which has never been taken from them by law, although it gradually fell into disuse.

The amendments in the law, down to the time of the Reform Act, with the exception of the statute of Anne, which restricted the right of placemen under the Crown sitting in Parliament, and was the origin of a long string of statutes, are of comparatively little importance.

In 1696, by 7 Will. 3, c. 25, minors were, by an Act declaratory of the common law, pronounced disqualified; but their return, both before and after the statute, was frequently connived at, as in the instance of Charles James Fox, who not only sat but delivered a speech before the age of twenty-one. By the same Act, the votes of trustees and mortgagees were transferred from them to beneficiaries and mortgagors in possession, and it was provided that conveyances of estates to multiply votes should be void, and that no more than one person should vote for the same house or parcel of land, a restriction upon "faggot-voting" which, after being impliedly repealed by s. 29 of the Reform Act, 1832, has been partially re-enacted by s. 4 of the Representation of the People Act, 1884. In the same session was passed the first Act, 7 Will. 3, c. 4, for preventing expense in elections.

"The Act of Anne," 6 Anne, c. 7, was passed in 1707, for the purpose of securing the independence of members, and of preventing the House of Commons being overfilled with persons holding office from the Crown. It provides that the holders of new offices of profit under the Crown shall be altogether disqualified from sitting (a provision which, upon the creation of a new office in subsequent times, it has been very common to except), and that the acceptor of any office of profit, whether new or old, having a seat must present himself for re-election.

The Septennial Act, 1 Geo. 1, st. 2, c. 38, provided in 1714 that Parliament might continue for seven years instead of three, as had been provided by the Triennial Act of William and Mary (6 Will. & Mary, c. 2), which latter Act contains a still unrepealed provision that there should be no longer intermissions of Parliaments than three years, an interval still

further restricted in modern times by the practical necessities for annual Parliaments for the purpose of voting supplies.

In the middle of the eighteenth century an Act was passed with regard to the qualification of voters, which has been made a precedent for much subsequent legislation, that is to say, in 1755, twelve months' possession was made a qualification for the freeholders county vote—a period reduced to six months' by the Reform Act, 1832.

Grenville's
Act, 1770.

An important alteration in the procedure for trying the validity of elections was effected in 1770 by "Grenville's Act," which was at first temporary, and was made perpetual in 1773. In early times, the remedy for a false return or an undue election was of an uncertain kind. At one time the question was considered within the competence of the Lord Chancellor, through whom the writ issued. By 11 Hen. 4, c. 1, contested returns were to be inquired into by the Justices of Assize, a curious precedent for the tribunal now existing. Since, however, the discussions in *Ashby v. White*, and for a long time previously, the House of Commons had asserted the right to inquire into all matters relating to its own constitution for itself. The claim to prevent the House of Lords determining matters affecting its privileges in an ordinary legal action must, however, be considered abandoned, except that it is still partly recognized by appeals in election petitions, and in registration cases to the House of Lords being still denied. For a long time previously to Grenville's Act, the jurisdiction to decide on the validity of returns had been exercised by the whole House, and the divisions upon disputed points, such as the qualification of voters in a borough in question, took place upon party lines. The abuses of this practice were checked by the Act of 2 Geo. 2, c. 2, which provided that the last decision of the House of Commons should be conclusive as to the right of election, and by Grenville's Act the jurisdiction on controverted elections was transferred to a sworn committee of fifteen members. The main ground of questioning returns in early times was the partiality or negligence of sheriffs; but as a seat became a desirable object, cases of bribery occur. The first recorded case was in 1571, when Thomas Long, "being a very simple man, and of small capacity, bought a seat for Westbury for £4 of the Mayor." In the second year of George II., an Act (2 Geo. 2, c. 24), for the more effectual prevention of bribery and corruption, was passed; but little other legislation of this kind took place until after the Reform Act.

In 1829 Roman Catholics were admitted to sit and vote, having been previously debarred indirectly only, but effectually, by a form of oath which Roman Catholics could not take.

Reform
Act, 1832.

The Reform Act of 1832 consists of two parts, one dealing with electoral areas, and the other with the qualification of electors. As regards electoral areas, it was provided that 56

boroughs therein named, as Old Sarum, Winchelsea, and Fowey, returning theretofore two members apiece, should cease to return any member; that 30 boroughs therein named, as Petersfield, Calne, and Rye, should return one member instead of two; that 22 boroughs, as Manchester, Birmingham, and Leeds, should for the first time return two members; that 20 boroughs, as Cheltenham, Salford, and Whitby, should for the first time return one member; and that certain places in Wales, as Tenby, Swansea, and Neath, should share in electing members with the shire towns. By the same Act, 25 counties, as Cheshire, Lancashire, and Shropshire, which theretofore returned two members apiece only, were divided, and two members given to each division; while 7 counties, as Berkshire and Oxfordshire, obtained three members instead of two, and the Welsh counties of Carmarthen, Denbigh, and Glamorgan, obtained two members instead of one.

A greater revolution still was effected in the law of the qualification of electors. The right of voting in counties, previously possessed by freeholders alone, was extended not only to leaseholders holding at a rent of £10 if the lease were for sixty, and at a rent of £50 if the lease were for twenty years, but also by the clause termed the Chandos clause, to tenant occupiers holding at a rent of £50; and the right of voting in boroughs was given to all occupiers of houses, shops, or buildings of any kind of the annual value of £10. By way of restriction of the freeholders' qualification, it was further enacted that if the freehold should be for a life only, either the voter should be required to be in actual occupation, or the freehold itself should be required to be of the annual value of £10, an enactment of which the full legal effect was not discovered until 1884, when the High Court decided, in the case of *Druitt v. Christ Church Overseers*, that a rent-charge could not be "occupied," and therefore came within the first alternative of its provisions. By way of restriction of the borough qualification it was expressly provided, in imitation of the practice of committees of the House of Commons, that the receipt of parochial relief should constitute a disqualification of the borough electors—a restriction applied by statute to counties by the Act of 1867.

By the Reform Act 1832, also, the registration of electors was first made a condition precedent of the right to vote. Prior to the Act, the title of each elector to vote, if questioned, was determined at the poll by the returning officer, and this was one of the principal reasons why the poll was kept open so long. A set of rather complex provisions of the Act contained the means whereby firstly, through the action of the overseers of the poor in each parish; secondly, through claims and objections by the parties themselves and their political opponents; and thirdly, by itinerant Revision Courts, presided over by revising barristers, appointed annually for the purpose, a comprehensive

Register of Electors should be established in every county and borough. The appointment of revising barristers was no doubt suggested by the practice of the returning officer having been not uncommonly in the habit of being advised by counsel at the poll upon any title to vote being there questioned. With regard to the mode of election, it was provided that polls, which at common law might be kept open for a time practically limited only by the power of the purse of the contending parties, should be kept open for two days only—a period afterwards further limited for boroughs by an Act of 1836, 5 & 6 Will. 4, c. 36; and for counties by an Act of 1853, 16 and 17 Vict. c. 15, to one day only.

Registration
Act, 1843.

The Registration provisions of the Act of 1832 were not only incomplete in detail and difficult of comprehension, but also allowed the correctness of the register to be questioned before a committee of the House of Commons, and left it open to persons, whose names had been struck off from the register by the revising barrister, to tender their votes at elections. In 1843 the Parliamentary Registration Act repealed and re-enacted these provisions with considerable amendments, of which the most important was that which allowed an appeal from the revising barristers on points of law to the Court of Common Pleas, and notwithstanding a vigorous protest from Lord John Russell, made the decisions of that Court binding upon the House of Commons Committees, it being provided at the same time that the register should be conclusive against the claim to vote of any person not registered. There were also set on foot two forms of precept, to be directed by the clerks of the peace and the town clerks to the overseers in counties and boroughs respectively, explaining or attempting to explain in detail to these officials what they had to do, and when and how they were to do it.

Corrupt Prac-
tices Act, 1854.

In 1854 the Corrupt Practices Prevention Act consolidated the Acts in force relating to bribery, treating, and undue influence at elections, and also amended the law by supplying more comprehensive definitions of these offences, and by increasing the punishment for them, while occasion was taken to prohibit the gift of flags, music, and ribbons, and similar electioneering expenses, as well as to declare what had been theretofore doubtful, that refreshments to voters on the days of nomination or polling were absolutely illegal. This Act was, and still is, temporary only.

In 1858 the property qualification of members was abolished by the repeal of the Acts from 9 Anne, c. 5, to 41 Geo. 3, c. 101, which had established or regulated such qualification, and in the same year persons professing the Jewish religion, who had never been debarred from voting, and who had been only indirectly, though effectually, debarred from sitting by a form of oath which such persons could not take, were admitted to sit by being allowed to take an oath omitting the words “upon the true faith of a Christian.”

In 1865 the County Voters Registration Act amended the law of registration in counties by providing a new form of precept from the clerk of the peace to the overseers, and by enacting that every notice of objection to a claim to vote should specify the grounds of the objection. Provisions applicable to borough as well as county revisions were added, to the effect that costs might be given by a revising barrister up to £5, instead of up to 40s. only, as under the Act of 1843, and that names expunged and inserted at the revision should be read out in open court.

The Representation of the People Act, 1867, like its predecessor, the Reform Act of 1832, dealt both with electoral areas and with the qualification of electors in one statute, the part relating to the qualification of electors being by far the more important. No existing qualification was abolished; but in counties the qualification for a vote of owners for a life and of leaseholders was cut down from £10 to £5; and a £12 occupation qualification was introduced; while in boroughs two most important qualifications being (1) by the occupation of a dwelling-house of any value, commonly called "household suffrage;" and (2) by the occupation of lodgings of £10 yearly value (unfurnished), were introduced. The dwelling-house qualification in boroughs, and the £12 occupation qualification in counties being both made strictly dependent upon rating and the payment of rates, it was provided that the system of allowing owners to be rated instead of occupiers, which had grown up under 14 and 15 Vict. c. 99, commonly called the "Small Tenements Act," and other Acts, should cease, but this method of universally enforcing the condition was found so inconvenient that the Poor Rate Assessment and Collection Act, 1869, 32 and 33 Vict. c. 41, re-introduced the old system under a new procedure, which made voluminous but not very intelligible provisions for the constructive rating of the occupier for the purpose of gaining the electoral qualification. The disqualification for parochial relief was also, for the first time by express statute, applied to counties.

Representation
Act, 1867.

As regards electoral areas, the Act of 1867 deprived no borough of direct representation altogether, but took away one member from all the thirty-eight boroughs, such as Stamford, Lewes, and Bridgnorth, having a less population than 10,000 at the census of 1861. Liverpool, Manchester, Birmingham, and Leeds gained an additional member apiece, ten new boroughs returning one member each, except Chelsea, which obtained two, were created, and thirteen counties were further divided.

A new and peculiar provision enacted that at a contested election for any county or borough represented by three members, no person should vote for more than two candidates, a provision which has ceased to operate by virtue of the Redistribution of Seats Act, 1885, although it has not been expressly repealed.

In 1868 the trial of election petitions, which had been

delegated by Grenville's Act by the House of Commons to Select Committees, was transferred to Judges of the Common Law Courts, now the Queen's Bench Division, the trial to take place before one Judge, a number which was altered in 1879 to two Judges.

Ballot Act,
1872.

In 1872 the Ballot Act introduced an entirely new mode of nominating candidates, of conducting elections, and of voting. Prior to that Act, nominations were made at the "hustings," erected for the purpose in a public and open place by public speeches of the supporters of each candidate, and the choice of the electors was ascertained in the first place by a show of hands, the defeated candidate usually, but not by any means invariably, demanding a poll, which was conducted by each elector openly stating his name, and that of the candidate for whom he desired to vote, to a poll-clerk at the polling-booths, the poll-books being commonly afterwards printed at the cost of one or other of the parties. The Ballot Act completely changed all this by requiring nomination in writing by ten registered electors, and poll by secret voting, taken by means of a ballot paper, to be marked by a simple \times by each elector.

The Act was temporary only, and expired in 1880, since which time it has been continued by successive "Expiring Laws Continuance Acts" annually passed.

In 1875 the charges which a returning officer might make for nomination papers, ballot boxes, clerical assistance, and other expenditure incidental to the preparations for and conduct of an election, were regulated by a schedule annexed to that Act, and it was also provided that the returning officer might require securities from a candidate before accepting his nomination.

Registration
Act, 1878.

In 1878 the Parliamentary and Municipal Registration Act provided for the contemporaneous revision by the same revising barristers in "every parliamentary borough, and in every municipal borough the whole or part of the area whereof is included in the area of a parliamentary borough," of the lists of electors for the municipal borough, theretofore revised by the mayor and revising assessors, and of the lists of electors for the parliamentary boroughs. At the same time the borough qualifications generally were widened and explained by providing that the separate occupation of part of a house or dwelling-house should be sufficient, and that the lodger qualification might be gained by the successive occupation of lodgings in the same dwelling-house, and also by a joint occupation with one other lodger. A new precept and a new set of forms were provided, and the procedure in the Courts of Revision was extensively amended by the direction, amongst others, that the burden of proof was always to be upon the party objecting to a vote, unless he should be an overseer.

The Corrupt and Illegal Practices Prevention Act, 1883, still further increased the penalties attaching to bribery and

corruption, and also established a maximum scale of expenses (in addition to the scale prescribed for Returning Officers' expenses by the Act of 1875) in proportion to the population of the constituencies. The payment of the travelling expenses of voters, with the single exception of a sea journey, was expressly forbidden, as was the employment of paid canvassers, the exact number and description of agents, clerks, and messengers to be employed being also fixed. The Act, like the Act of 1854, and the Ballot Act, 1872, is temporary only.

The Representation of the People Act, 1884, although it was intended to be, and was followed by an Act dealing with electoral areas, deals with electoral qualification only. Its main object is to assimilate the qualification for the county vote with that established already for the borough vote, and with that object, by a few words of incorporation by reference, the Act establishes in the counties exactly the same dwelling-house and lodgings qualification as that established by the Act of 1867 in the boroughs; and further, for the sake of uniformity, reduces the county occupation qualification from £12 to £10, preserving, however, the conditions of the qualifications, which had been annexed in the case of boroughs by the Act of 1832, and in the case of counties by the Act of 1867, which conditions varied, and still vary, in the two cases. There is also an enactment that the tenure of a qualification by virtue of service of an office only, which tenure not being in law a tenancy was hitherto insufficient, should confer the right to be registered and to vote.

Representation
Act, 1884.

In the direction of restriction, the Act provides that qualification by rent-charge, except by a tithe rent-charge, shall be abolished, and that where two or more men possess the property qualification either in counties or boroughs, only one man be entitled to be registered in respect of it, the Act omitting to state which of the two is to be entitled in priority to the other, in case of conflict between them. All existing rights are saved, and the new qualifications are made subject to the same conditions as to rating, length of residence, and the like which were attached to the analogous qualifications under the Acts of 1867 and 1832.

The Registration Act, 1885, is a corollary of the Representation of the People Act, 1884, assimilating the procedure for registration in counties to that for boroughs, in like manner as the qualification of electors had already been assimilated. For this purpose the dates of doing certain things are made the same, and the whole system of borough registration established by the Act of 1878 is, with few exceptions as to voters having the property qualification only, applied to county registration. Occasion is also taken to amend the law of revision in various small points, and to provide new precepts to overseers, of a very full and elaborate character, with a new and complete set of forms of lists of voters, notices of claim, and objection, and the like.

Registration
Act, 1885.

Seats Act,
1885.

The Redistribution of Seats Act, 1885, unlike its predecessors of 1832 and 1867, which dealt with electoral qualifications and electoral areas together, deals solely (excepting temporary clauses accelerating registration in 1885, and clauses re-enfranchising or disfranchising certain particular persons) with electoral areas (a), and also, unlike them, deals with the electoral areas of Scotland and Ireland, as well as with those of England (b).

Seventy-nine boroughs lose the right of returning a member altogether, not having a population of 15,000; 36 boroughs, not having a population of 50,000, are for the future to return one member only instead of two; 14 boroughs, as Birmingham, Manchester, and Leeds, gain additional members; 35 boroughs, as Croydon, St. Helen's, and West Bromwich, are newly created. The counties are completely re-arranged, being divided into divisions in proportion to their population, each division to return one member only. This "single-seat system" of division, as it is called, which is also carried out to a great, though not so great, an extent in boroughs, 26 of which are divided on the same system (Liverpool being split up into as many as nine divisions), is one of the main features of the Act, and one in which it makes the chief departure from the old system of representation, which, as we have seen, was, as a rule, by two members for each electoral area. The net result is that the Act gives the counties 253 members instead of 187, and the boroughs 237 instead of 297, the proportion to population being one to 52,800 in counties instead of one to 70,800, and one to 52,700 in boroughs instead of one to 41,200, the increased representation of the counties being necessitated by the increase in the number of county electors caused by the Act of 1884. The boundaries of the various areas, so far as it was necessary to alter them, had been mapped out by Commissioners nominated for the purpose shortly after the introduction of the Bill; and such altered boundaries, which comprise all divisional boundaries in the counties of England, are now legally fixed by the Act, which became law on the 25th June, 1885, the Registration Act having become law on the 21st May, 1885, and the Representation of the People Act on the 6th of December, 1884.

With the view of rendering the general election upon the 1885 register possible earlier than usual, special acceleration clauses of the Redistribution of Seats Act provide that in the year 1885 the revision of the register shall take place between the 8th of September and the 8th of October, instead of between the 15th of September and the 31st of October, and also that the

(a) The House of Lords consented to pass the Representation of the People Act, in 1884, upon the understanding that a Redistribution of Seats Bill should be introduced in 1885.

(b) The Scotch Reform Acts were 2 & 3 Will. 4, c. 65 (1832), and 31 & 32 Vict. c. 48 (1868), and the Irish Acts were 2 & 3 Will. 4, c. 88 (1832), and 31 & 32 Vict. c. 49 (1868).

register formed by such revision shall come into effect after the 7th of November instead of after the 31st of December—the Act, however, providing that any election not consequent upon a dissolution, between 7th November, 1885, and 1st January, 1887, shall take place upon the old registers.

In 1885 were also passed an Hours of Poll Act, extending the hours of poll to 8 p.m. at all elections; a Medical Relief Removal of Disqualification Act, providing that parochial relief given by way of medicine or medical attendance should not disqualify an elector; a Parliamentary Elections (Corrupt Practices) Act, providing that employers might, without being subject to the charge of corruption, allow their workmen leave of absence for the purpose of voting without deducting from their wages; a Parliamentary Elections (Returning Officers) Act, by which the security which might be demanded from a candidate at an uncontested election was reduced, and the fee payable in counties to presiding officers and poll clerks was raised; a Revising Barristers Act, by which a flaw in the appointments of revising barristers was corrected; and finally an Expiring Laws Continuance Act, by which the Ballot Act and other temporary statutes relating to the subject of parliamentary elections were continued until the 31st December, 1886. During the last twelve months, therefore, no less than nine statutes upon the subject have received the Royal Assent.

Minor Acts of
1885.

Such is a short historical outline of the statutes relating to parliamentary elections in England. It will have been seen that they deal sometimes separately and sometimes together with the many parts of their subject, and it may be stated here that where new qualifications have been created, or new restrictions imposed, the old qualifications have been retained, and the new restrictions have been expressly declared to be prospective only. It is now proposed to give a summary of the various enactments in six parts, relating to

- I. Qualification of Electors.
- II. Registration of Electors.
- III. Electoral Areas.
- IV. Disqualification of Candidates.
- V. The Election.
- VI. Election Petitions.

SUMMARY.

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

General disqualifications attach to women, infants, aliens, peers, convicted felons not having served a sentence of penal servitude or imprisonment with hard labour, or for more than twelve months, constables, persons employed for hire at an election, and persons convicted of corrupt practices at an election; also to persons having received parochial relief (not being by way of relief from school fees, or by way of medical relief, or vaccination, or treatment in a metropolitan hospital for infectious diseases) at any time during the twelve months preceding the annual registration (see p. 36).

A further general disqualification attaches to any person whose name is not upon the register at the time of an election; the register being in every case conclusive against the elector, but not conclusive for him if he be disqualified on the ground of alienage or some, for the time, irremovable quality in himself (see p. 436). The register is made up annually in September and October, and the 15th of July preceding terminates the "qualifying period" by occupation residence and otherwise, where any condition of which length of time is the essence, is attached to the qualification.

The particular electoral qualifications will now be set out in order, stating first those which are precisely similar both for counties and boroughs; secondly, those which contain conditions peculiar to, or are in essence peculiar to counties; and thirdly, those which are peculiar to boroughs.

Counties and Boroughs.

1. *The dwelling-house qualification.* This is constituted by the person having been on the 15th July and for twelve months previously an inhabitant occupier of a dwelling-house, or part of a house separately occupied as a dwelling, and having been rated by himself or his landlord during such twelve months to all poor rates made for such dwelling-house, and having paid by himself or his landlord, on or before the 20th July following, all sums due for such dwelling-house on account of any poor rate made and allowed during the twelve months before the 5th January preceding.

No person can possess this qualification for any one dwelling-house or part of a dwelling-house jointly with another (Act of 1867, s. 3, p. 35; Act of 1884, s. 2, p. 59).

A person occupying more dwelling-houses than one in immediate succession in the same electoral area possesses the qualification in respect of the last occupied dwelling-house (p. 42).

A person inhabiting a dwelling-house by virtue of any office or service possesses the qualification of an inhabitant occupier unless the dwelling-house be also inhabited by some person under whom he serves (Act of 1884, s. 3, p. 60).

2. *The lodger's qualification.* This is constituted by the person having occupied as a lodger for twelve months before the 15th July lodgings in the same dwelling-house of the clear yearly value, if let unfurnished, of £10 or upwards, and having resided in such lodgings during such twelve months, and having claimed to be registered (Act of 1867, s. 4, p. 37; Act of 1884, s. 2, p. 59).

Two lodgers, but no more, may possess this qualification jointly if the value give £10 or more for each.

Successive lodgings in the same house qualify (Act of 1878, s. 6, p. 56).

Counties.

3. *The freeholder's qualification.* This is constituted by the person having possessed by right of purchase for six months prior to the 15th July, or by right of descent, devise, or marriage settlement, or by promotion to a benefice, for any time prior to the 15th July, any freehold land or tenement within the electoral area of the clear yearly value of forty shillings or upwards (see pp. 3, 16). If the freehold be held for a life, it must be either occupied by the owner, or be of the yearly value of £5, or have come to the voter by descent, &c. (see p. 13).

4. *The copyholder's qualification.* This is constituted by the person having possessed by right of purchase for six months prior to the 15th July, or by right of descent, &c., for any time prior to the 15th July, any copyhold land within the electoral area of the clear yearly value of £5 or upwards (see p. 38).

5. *The leaseholder's qualification.* This is constituted by the person having possessed by right of purchase for twelve months prior to the 15th July, or by right of descent, &c., for any time prior to the 15th July, a lease originally created for not less than sixty years of any land or tenement of the clear yearly value of £5 (see p. 38), or originally created for not less than twenty years of the clear yearly value of £50 (see p. 14).

6. *The £50 rental qualification.* This, which is reserved only as a vested right, is constituted by the person having been registered in 1884 in respect of the occupation of any land or tenement held by him at a rent of not less than £50 (see pp. 14, 177). [The only distinction between this qualification and that of the £10 occupier next stated is that it is not conditional on rateability and the payment of rates.]

7. *The £10 occupation qualification.* This is constituted by the person being on the 15th July, and having been for twelve months the occupier of any land or tenement of the clear

yearly value of not less than £10, *and* having during such period been by himself or his landlord rated to all poor rates made in respect of such land or tenement, *and* having by himself or his landlord on or before July 20th paid all poor rates payable in respect of such land or tenement up to the preceding 5th January (see pp. 39, 62). [The distinctions between this qualification and that of the £10 occupier in boroughs are that the payment of assessed taxes is no condition of it, and that no residence is required.]

Successive occupations qualify. As to joint occupations, two and no more are qualified, unless the joint occupation be derived from partnership or descent, succession, marriage or will, &c., in any of which cases all the joint occupiers are qualified (Act of 1867, ss. 26, 27, p. 42).

N.B.—If county and borough qualifications co-exist in the same person and in respect of the same premises, the county qualification is merged in that for the borough (p. 62). A person cannot vote as a freeholder for a county in respect of a house occupied by himself so as to confer on him a vote for a borough, or as a copyholder or leaseholder in respect of a house of such value as to confer on him or any other person a vote for a borough.

Boroughs.

8. *The £10 occupation qualification.* This is constituted by the person having occupied for twelve months previous to the 15th July any land or tenement of the clear value of not less than £10, *and* having during such period, by himself or his landlord, been rated to all poor rates made during such period, *and* having paid all assessed taxes, and (by himself or his landlord) all poor rates which became payable in respect of such land or tenement previously to the 5th January, *and* having resided within the borough (boroughs divided for this purpose counting as undivided), or seven miles thereof, for six months previous to such 15th July (Act of 1832, s. 27, p. 19).

The qualification may be derived from a successive occupation of different premises in the same borough or in the same division of a divided borough (Act of 1832, s. 28, p. 19; Act of 1885, s. 10, p. 72).

The qualification may also be derived from a joint occupation by any number of persons making up an occupation by each to the required value (Act of 1832, s. 29, p. 19).

9. *Qualification of freemen.* This qualification is constituted by the person having been on the freeman's roll before 1832, or being a lineal descendant of a person having been on such roll, *and* having resided for six months prior to the 15th July within the borough (Act of 1832, s. 32, p. 21).

10. *Qualification of scot and lot voters, and other persons having personally reserved rights.* This qualification is constituted by the party having possessed the reserved right before 1832, *and*

having been continuously registered since then, and having resided for six months prior to the 15th July within the borough (Act of 1832, s. 33, p. 33). There are probably very few of such persons still living.

REGISTRATION OF ELECTORS.

It is a cardinal rule of parliamentary election law that no person may vote at an election unless his name be on a register of the electors for his electoral area (Act of 1872, s. 7, p. 435), and such register is made up annually. The initiative is taken by clerks of the peace and town clerks (according as the electoral area is in a county or borough), who, on or before the 15th of April in every year, issue precepts to the overseers of every parish instructing them in the details of every qualification, and directing them to publish in their respective parishes lists of persons already entitled to vote, and various other lists and notices, the precepts pointing out the exact date at which each particular step is to be taken by the overseers (pp. 180, 208). The scheme of the Acts is, shortly, that all persons qualified, whether in county or borough, by reason of occupation (except lodgers), shall be placed on a voters' list without making any claim, leaving those who may be omitted to prove their claims; that persons qualified in a county by reason of ownership shall be placed, without making any claim, on a list composed of the ownership voters of the preceding year's register, but shall claim if not on such list, and need not prove their claim unless it be objected to; and that lodgers, whether on the register for the preceding year or not, should make a claim in every year, and also prove that claim.

Preparations
by overseers,
&c.

The overseers in counties receive from the clerk of the peace the ownership portion of the preceding year's register, and make out in a county or borough a list of persons qualified by occupation; and the including as many persons as possible who are qualified by the occupation of a dwelling-house or separate part of a dwelling is specially provided for by allowing the overseers to serve upon any person rated in respect of property comprising a dwelling-house, a requisition inquiring whether any man other than the person rated possesses the qualification of inhabitant occupier of part of such dwelling-house (p. 46); while the displacement of disqualified or non-qualified persons is aimed at by directing overseers to omit from their lists persons disqualified by receipt of parochial relief (p. 43), or by non-payment of rates, as well as the names of persons whom they know to be dead (p. 144), and also by allowing any person on the existing register to "object" to any such persons upon written notice, delivered on or before the 20th August, to such persons and to the overseers.

Formation of
lists.

A distinction is drawn between lodgers already on the register and lodgers claiming for the first time. A lodger of

either class must claim and prove, and in either case the declaration annexed to the claim is *prima facie* evidence of the qualification. But the lodger already on the register, by claiming before 25th July, becomes entitled to be placed on an "Old Lodgers List," the result of which is that he can only be objected to after notice of objection to him and the overseers, whereas the lodger delaying his claim until the 20th of August may be objected to in the Revision Court, upon notice given to the revising barrister only, and without any notice to the claimant (p. 150).

Claims.

Persons omitted from a list must claim in writing before the dates specified below to have their names inserted therein, and without having made such claim, will lose all right to be registered.

Objections.

No person can be heard in opposition to a name on a voters' list without giving notice of objection, and every notice of objection must be signed by the objector himself, and must specify the grounds of the objection; nor can any evidence of any ground, other than those specified, be heard by the revising barrister (pp. 122, 152). A more summary mode of objection to a person on a claimants' as distinguished from a voters' list, by any person on the list of voters giving written notice to the revising barrister in Court, and before the hearing of the claim, is provided (p. 92), but ownership claims (Act of 1848, s. 6, p. 77) are treated as forming part of the voters' list.

Dates.

The dates are as follow, being the same in counties and boroughs, except where the contrary is expressly mentioned:—

April 15th. Precepts and forms of lists and notices to be sent by clerks of the peace and town clerks to the overseers of every parish.

April and May. Requisition for names of inhabitant occupiers of any dwelling-house may be sent by overseers to person rated in respect thereof.

June 20th. Publication of notice that no occupier will be entitled to be placed on occupiers' list unless rates be paid before July 20th. Notice to occupiers of rates due. Publication in counties of ownership portion of register.

July 15th. End of qualifying period.

July 20th. Last day for claims to be inserted in ownership voters' list in counties.

July 22nd. Publication of list of persons disqualified for rates unpaid.

July 25th. End of publication in counties of ownership portion of register. Last day for claim to be inserted on "Old Lodgers' List."

July 31st. Last day for overseers to make out voters' lists in counties and boroughs, and lists of ownership claimants in counties.

August 1st. Overseers to publish those lists.

August 20th. Last day for giving notices of objection. Last day for claiming to be inserted in occupation voters' lists, and in lists of "Lodger Claimants."

August 25th. Last day for overseers to publish lists of voters objected to, and of occupiers' and lodgers' claim lists. Delivery of lists by overseers to town clerk in boroughs (p. 217), and clerk of the peace in counties (p. 188).

Sept. 12th [5th in 1885], p. 241. Last day for transmitting declaration of change of abode, or as to misdescription, to clerk of the peace in counties, and town clerk in boroughs.

The documents so prepared are in counties and boroughs—

The "Occupiers' List," containing the names of persons entitled by a £10 occupation, or a dwelling-house occupation (pp. 199, 222). What lists are revised.

The "Old Lodgers' List," containing the names of lodgers previously registered who have claimed on or before July 25th (pp. 198, 223).

The list of occupier claimants (pp. 202, 229).

The list of lodger claimants (pp. 202, 230).

The list of occupiers objected to (pp. 203, 231).

The list of lodgers objected to (pp. 203, 232); and

The declarations of change of abode and as to misdescription (a) (pp. 204, 233).

Also there may be a "Corrupt and Illegal Practices List" (p. 488).

In 1885 there will also be a list of voters who have received only medical relief from the parish (p. 73 a).

In counties there is also—

The ownership portion extracted from the register of the preceding year;

The list of ownership claimants (p. 191); and

The list of ownership voters objected to (p. 194).

And there may be also claims to vote at the polling place where the voter lives instead of his place of abode as stated in the list (p. 91).

In boroughs there may be also—

A list of freemen (p. 115);

A list of freemen claimants;

A list of freemen objected to; and

A reserved rights list (p. 223).

In municipal boroughs the occupiers' lists are made out in three divisions (see p. 222), in order to allow for the revision of the parliamentary and municipal lists separately at the same revision, and there are also separate municipal claim and objection lists.

These being the lists to be revised, the revision is conducted in the months of September and October by a certain number, Revision Courts.

(a) In 1885, there is also the Supplemental List of persons omitted from the original list as being disqualified for medical relief.

now 123 (p. 136), of barristers of seven years' standing (p. 138), appointed in July or August by the senior judge on each circuit (p. 86), to hold a revision court for the counties and boroughs in such circuit. A court must be held at each polling place in a county (p. 89) if the justices of the peace so direct, but not otherwise (p. 129), but the revision is to be completed by polling districts if practicable (p. 168). Seven days' notice of each court must be given (pp. 89, 167), and evening sittings are directed to be held in places containing more than ten thousand inhabitants, if a court is directed to be held there (pp. 134, 167).

Procedure on
revision.

The clerk of the peace attends the first revision court held in a county, and the town clerk attends the first revision court held in a borough, and delivers to the revising barrister all the lists to be revised (p. 90).

The powers and duties of the revising barrister comprise an obligation to correct proved mistakes in any list, and a discretionary power to correct proved mistakes in any claim or notice of objection; also an obligation to expunge the names of persons proved to be dead, or proved to be incapacitated by law from voting, or whose qualification as stated is bad in law on the face of it. Claimants, except the specially privileged ownership claimants, must prove their claim, the declaration of a lodger being *prima facie* evidence of his qualification (p. 150), and an objector must prove his notice of objection, and confine himself to the grounds of it specified in his notice. All these powers and duties, and many more, will be found in the lengthy and important twenty-eighth section of the Parliamentary and Municipal Registration Act, 1878 (pp. 153-58). Statutory forms of claims, objections, and lists are provided (p. 164), but the disregard of any of such forms does not of itself invalidate any list or notice (p. 176).

No party may appear by counsel. The revising barrister has power to administer an oath (p. 94), to fine overseers for neglect of their duties (p. 101), and to give costs up to £5 in case of frivolous claims or objections being made (p. 98); and even appears in some cases to be bound to give costs up to 40s., to be paid by the objector to the persons objected to (p. 152), and no order as to costs can be removed by certiorari or otherwise into the High Court (p. 109).

The revising barrister must write his initials against the names expunged or inserted, and corrections made by him, and also sign every page of each list settled (p. 94).

Appeal from
revising bar-
rister to High
Court.

Upon any material question of law (p. 94), but not upon a question of fact or of admissibility of evidence (p. 107), a dissatisfied claimant or objector may appeal from the revising barrister's decision by case stated to the High Court, if the revising barrister "thinks it reasonable and proper that such appeal should be entertained." If the revising barrister refuse to allow such an appeal, he may be compelled, if he ought not

to have refused, to state a case by a rule of the High Court to be applied for within one month after refusal (p. 161).

A party desirous to appeal must give notice in writing to the revising barrister in Court on the same day on which the decision to be appealed against is pronounced (p. 94), and no appeal may be heard unless the appellant has further given notice to the High Court "within the first four days of Michaelmas Term" (or "Michaelmas Sittings" in 1885), of his intention to prosecute the appeal, and also notice to the respondent (pp. 105, 106).

Notice of appeal.

Several appeals upon the same points of law may, by direction of the revising barrister, be consolidated into one, which the overseer or the town clerk of a borough may be made respondent (p. 96).

Consolidation of appeals.

The decision of the High Court either upon appeal by case or rule is final, unless the High Court give special leave to appeal to the Court of Appeal, whose decision is final (p. 163).

Appeal to Court of Appeal.

The decisions of the Court where they reverse the decision of the revising barrister are notified to the sheriff or other returning officer having the custody of the register, and the register is altered conformably; but a pending appeal does not affect the right of voting, nor does a decision given after election affect the result (p. 108).

Effect of decisions on appeal upon register.

The lists as revised are delivered by the revising barrister to the clerk of the peace after each polling district revision, if practicable (p. 168), and are by him arranged in alphabetical order with a separate series of numbers and a distinctive letter for each polling district, each voter's letter and number being intended to be marked on the counterfoil of the ballot paper with which the elector will vote at the poll. Thus arranged and printed they are delivered as a register to the returning officer on or before the 31st December (p. 130), or in 1885 the 7th November (p. 241).

The register thus formed comes into operation on the 1st of January following the revision (p. 130), but a special provision for 1885 directs that the register shall in 1885 come into force after the 7th day of November, if Parliament be then dissolved (p. 241).

Commencement and duration of register.

ELECTORAL AREAS.

The electoral areas of England and Wales are: The county of Rutland and the Isle of Wight in England; the counties of Wales except Carmarthen, Carnarvon, Denbigh, and Glamorgan, which are Welsh divided counties; the divisions of the divided counties; the parliamentary boroughs and the divisions of the divided boroughs, twenty-eight boroughs being divided, and Swansea being the only divided borough in Wales.

The electoral areas.

The Universities of Oxford, Cambridge, and London also return members.

The county of Rutland returns one member, and all the divisions, whether of counties or boroughs, return one member each.

Number of members.

The boundaries.

Of the undivided boroughs, by far the greater number return one member each, only twenty-four returning two (see p. 339).

The boundaries of the divisions of counties, of the divisions of boroughs, of boroughs created by the Act of 1885, and of certain boroughs the boundaries of which were altered by the Redistribution of Seats Act, 1885, are stated in the schedules to that Act. The boundaries of the other electoral areas must be sought for in the Boundary Act of 1832 and the Boundary Act of 1868. If the boundary of a borough or division of a borough does not follow the boundary of a parish or other well-defined line of demarcation, it is to be marked by boundary stones to be maintained and renewed by the local authority (p. 262).

As a general rule, electoral areas are mapped out so as to give as far as is reasonably practicable an equality of population for each electoral area.

DISQUALIFICATION OF CANDIDATES.

Disqualification of candidates.

Women, infants, aliens, clergymen, peers, returning officers.

Judges, &c.

The law as to the disqualification of candidates is contained in eighty-five statutes, which are scattered usually in isolated sections through the statutes of every reign from William and Mary to the Queen. The largest disqualification of all, that of women (p. 347), is not statutory, nor is that of peers or returning officers (p. 347), but that of infants, appears in a statute of William III. (p. 347), and the disqualification of aliens is in virtue of the Act of Settlement (p. 348). Clergymen of the Churches of England and Ireland, and ministers of the Church of Scotland are disqualified by an Act which may be called Horne Tooke's Act (p. 362), and when in 1830 the oaths were accommodated to the consciences of Roman Catholics, priests of that faith were excluded (p. 369). A considerable class of persons is excluded by reason of their occupying a judicial position, such as judges of the Supreme Court (p. 382), judges of the Supreme Court in Ireland (p. 382), judges of the Court of Session in Scotland (p. 352), and sheriffs in the same kingdom (p. 354), county court judges (p. 376), assistant barristers in Ireland (p. 373), the West Indian Commissioners (p. 373), the Irish land judges (p. 374), certain police magistrates (pp. 370, 372), the Middlesex land registrar (p. 352), and the Registrar of Deeds in Ireland (p. 371), besides Recorders disqualified for their boroughs (p. 383), and revising barristers disqualified for eighteen months for the district to which they were appointed.

Holders of offices under the Crown.

The subject with which, however, this section of the statutes is most occupied is the disqualification of the holders of offices of profit under the Crown. The danger of the House of Commons being flooded by placemen found an extreme remedy in the Act of Settlement, which disqualified all holders of offices of profit or pensions under the Crown. The "Act of Anne" (p. 349), passed shortly after the union with Scotland,

now forms the basis of the subject. The effect of this Act, besides disqualifying by name the governors of colonies, certain commissioners with lucrative posts, and Crown pensioners, is that no holder of an office of profit under the Crown created since the day mentioned in the Act, that is, the 25th of October, 1705, can sit in the House of Commons, except in virtue of another Act of Parliament revoking the disqualification in regard to such office. Since that Statute, Acts of Parliament have from time to time revoked the disqualification on the creation of new offices. These are offices of the Land Tax Redemption Commissioner (p. 364), the Commissioners of the Treasury (p. 366), the President of the Board of Trade (p. 368), the members of the Council of the Admiralty (p. 369), the Paymaster-General (p. 371), the First Commissioner of Works (p. 373), the Vice-President of the Council of Education (p. 373), the Postmaster-General (p. 377), the Secretary of the Board of Trade (p. 378), and the Financial Secretary of the War Office (p. 380). Conversely another series of Acts expressly imposing the disqualification has been passed, with the object either of reiterating the disabilities of the Act of Anne, or of extending its principle to officers not technically under the Crown. These apply to Custom House officers (p. 348), who were disqualified even before the Act of Anne, the Auditor of the Civil List (p. 365), officers of Excise (p. 368), the Land Commissioners (p. 372), the First Ecclesiastical Commissioner (p. 372), the Charity Commissioners (p. 373), the Irish Church Commissioners (p. 379), and the Irish Land Commissioners, as well as the Commissioners of Police (p. 373), and the Irish Constabulary officers of high rank (p. 372).

A less famous but important provision of the same statute is contained in s. 26 (p. 351), which forbids any greater number of commissioners for executing any office than had been appointed before the first day of the Parliament in which the Act was passed. This section had no sanction unless it was intended that additional commissioners were to incur the disabilities of the holders of new offices, but by an Act passed in 1864 (p. 377) it was expressly provided that when a commissioner or other person is appointed in excess of the limit for any office, and he is returned to Parliament, his election is void; and if at a general election holders of an office in excess of the limit are returned, no holder is to sit until the number is reduced within the legal limit by death, resignation, or otherwise. An express limit in the number of commissioners who may hold an office is, besides, provided by statute in certain cases. In 1832 (p. 371) an Act was passed prohibiting more than five Commissioners of the Admiralty from sitting. The office of Secretary of State is analogous to an office held in commission. At one time three Secretaries of State were allowed, but in 1782 they were reduced to two. In 1858 (p. 374), upon the creation of the Secretary of State for India, it was provided that four Secretaries of State

Secretaries
of State, Com-
missioners, &c.

and four Under Secretaries of State only should sit in the House of Commons, and the penalty imposed by the Act of 1864 applies to all these.

Vacation of
seats by office-
holders.

The provision of the Act of Anne, which is most conspicuous in parliamentary life, is s. 4 (p. 350), which provides that if a member of Parliament accept any office of profit, whether an old or a new office, from the Crown he must resign his seat, but may be re-elected. The rigour of this provision has been much reduced by the Representation of the People Act, 1867, which dispenses with this ordeal upon the acceptance in the case of most offices of one office in succession to another. Out of favour for the naval and military services, this penalty was by the Act of Anne itself not to apply to officers being members and receiving new commissions, and the privilege applies to yeomanry and militia officers (p. 364), and volunteer officers (p. 376).

The Act of Anne, being passed shortly after the union with Scotland, applied to officers of profit under the Crown in Scotland, and by s. 29 (p. 351) expressly applies English disqualifications to Scotch seats; but on the union with Ireland it was considered necessary expressly to apply the disqualifying Acts as to offices of profit in England to similar offices in Ireland (p. 359), and at the same time to offices of profit held under the Lord Lieutenant (p. 360). The principle of exclusion of the Act of Anne was in 1742 extended to the deputies and clerks in the Treasury, Exchequer, Admiralty, Army, and Navy offices, Stamp, Excise, and other offices.

Contractors for
public service.

Analogous to the disqualification of holders of offices of profit under the Crown is that of contractors for the public service (p. 355), who are made incapable of sitting in the House of Commons, but the wide definition contained in the Act of Parliament has been somewhat leniently construed.

The remaining disqualifications are of a penal nature. Persons convicted of treason or felony, and sentenced to at least twelve months' imprisonment (p. 381), are disqualified until pardon or expiration of sentence. Candidates reported by an election judge guilty of corruption are disqualified for the constituency for ever; and if so reported or convicted on indictment, or reported by election commissioners, for the House of Commons for seven years. A candidate reported personally guilty of illegal practices is disqualified for that constituency for seven years. A person guilty of corrupt practices at a municipal election is subject to the like incapacities. Other disqualifications are imposed by bankruptcy. Bankruptcy in England, or sequestration in Scotland, is a disqualification which endures until it has been annulled, or a certificate is obtained that it was caused by misfortune. If an existing member becomes bankrupt he must cease to sit, and his seat is vacated if his disqualification continue unremoved for six months. Bankruptcy in Ireland (p. 381) produces a limited disqualification, which appears to apply only to Irish seats.

If a disqualified person be nominated as a candidate, not only is his election void, but in certain circumstances the candidate obtaining the place next to him on the poll may claim the seat, and obtain it on proof that the votes given for the disqualified person are thrown away. Votes are considered thrown away when given by a voter to a candidate notoriously disqualified, or to a candidate of whose disqualification the voter has notice. When the disqualification depends upon facts which a candidate desires to rely upon as disqualifying his opponent, he does his best to bring the facts to the knowledge of the voters by written notice or otherwise. Examples of notoriously disqualified candidates are a woman or the returning officer.

Effect of nomination of disqualified candidate.

THE ELECTION.

Elections are of two kinds, general or particular. A general election takes place upon the summoning of Parliament by royal proclamation. Orders are made by the Queen in Council directing the Lord Chancellor to affix the Great Seal to a proclamation summoning a Parliament, which proclamation usually also dissolves an existing Parliament, and also directing him to issue the writs of election. The time between the proclamation and the meeting of Parliament must be not less than thirty-five days (p. 410).

Writs for election.

So soon as Parliament has met, the authority for issuing the writ to fill particular vacancies shifts from the Crown to the House of Commons itself, and a warrant of the Speaker is issued upon motion made. During the recess of the House, by prorogation or adjournment, Acts of Parliament have enabled the Speaker to issue his warrant on his own authority, in the case of members dying or becoming peers (p. 391), and in the case of members accepting offices of profit under the Crown (p. 418). The warrant is issued upon the certificate of two members that the member has died, or been made a peer, or has accepted an office. The warrant, however, is not to issue until six days after the advertisement of the certificate in the *Gazette*, and in the case of the acceptance of office the member must himself sign the notice, and if the effect of the acceptance of the office upon the seat be doubtful, the Speaker may reserve the question for the House. To provide for a vacancy in the office of Speaker, or his absence out of the realm, he at the beginning of each Parliament appoints not less than three members, which number is maintained from time to time, to execute his powers in issuing the warrants in case of necessity. The same procedure applies to the case of the seat of a member rendered vacant by bankruptcy in England upon receipt of the certificate of the Court (p. 386).

Whether the authority for an election is the royal proclamation or the Speaker's warrant, it acts upon the Clerk of the Crown in Chancery, the officer of the Lord Chancellor having charge of the matter. It is his duty to prepare and forward the writ, the

form of which is now provided by the Ballot Act (p. 449). Writs for London and Middlesex, and writs to returning officers having offices in London, Westminster, Southwark, or five miles therefrom, are delivered by hand, but all other writs are delivered to the Postmaster-General, whose deputy gives a receipt for them, and by whom they are at once forwarded by post to the person to whom they are respectively directed for delivery at his office, where a receipt stating the day and hour is given, and returned to the General Post Office for filing.

Returning
officers.

The writ is directed to the returning officer of the county or borough in respect of which it is issued. The returning officer whose duties arise in virtue of the writ is in counties the sheriff, who in divided counties may appoint a fit person as his deputy, in virtue of the sixty-first section of the Reform Act (p. 398), and the eighth section of the Ballot Act (p. 436). In cities or towns being counties of themselves, the sheriff is also the returning officer. In municipal boroughs which are also parliamentary boroughs, the mayor is in virtue of sect. 244 of the Municipal Corporation Act the returning officer. In boroughs which are not municipal the sheriff of the county in March in every year appoints a returning officer in the manner mentioned in sect. 11 of the Reform Act (p. 397). Where a borough is divided, the returning officer appoints deputies in the same manner as the sheriff in divided counties, in virtue of sect. 13 of the Redistribution of Seats Act, 1885 (p. 517).

Day of election.

There is this distinction at a general election between the election in divided counties and divided boroughs, that in divided counties the practice under sect. 61 of the Reform Act is followed, and different days for the election may be appointed for the several divisions (p. 260), whereas in divided boroughs the election is for the whole borough, and the poll for all the divisions must be on the same day (p. 260). The place of election in divided boroughs is the borough, but in divided counties it is a place appointed for each division by the local authority (p. 528). The building or room in which the election takes place is appointed by the returning officer, or in divided counties or boroughs by the deputy returning officer. The nominations in divided counties and divided boroughs are separate for each division.

Place of elec-
tion.

In the want from any cause of a returning officer in a borough constituency the sheriff of the county acts as returning officer (p. 412).

The first duty of the returning officer on receiving the writ is to endorse upon it the day of its receipt (p. 390). In a borough election, on the day of, or the day after, receiving the writ, and in a county election within two days, he must give notice of the day and time of election, and of the poll in case of contest. The day of election in a county is to be not later than the ninth day from the receipt of the writ, and in a borough not later than the fourth (p. 441). The day of the poll must

be in a county between two and six clear days from the day of election, and in a borough not more than four clear days.

On the day of election the nomination of the candidates in writing, according to the rules of the Ballot Act, takes place at the place of election. If after the lapse of one hour after the two hours assigned for the purpose no more candidates are nominated than there are vacancies, the returning officer returns the nominated candidates as elected. A candidate may withdraw his nomination during the time appointed for the election, but not afterwards. If more candidates are nominated than there are vacancies, the election is adjourned for a poll. After the lapse of the two hours appointed for the election, the returning officer declares the number of candidates nominated, and if it be greater than the vacancies he apportions the expense of the contested election among the candidates (p. 458), the expense being regulated by a statutory scale (p. 464). Within an hour each candidate has to give his security by deposit of money or notes, or otherwise as the returning officer may require, and in case the security is not given his candidature is considered withdrawn. Detailed provisions are contained in the Returning Officers Act, 1875, regulating the amount of the returning officer's charges, the mode of taxing them, and claims against the returning officer.

Nomination.

The main item of the returning officer's charges at a contested election is the expense of the poll, for the purposes of which the constituencies are mapped out into polling districts. This duty in 1885 as in 1867, on the extension of the suffrage, and in 1872 on the introduction of the ballot, devolved on the local authority, which is in counties the quarter sessions, in municipal boroughs the town council (pp. 424, 434), in boroughs without a municipality the justices of the petty sessional division, and in boroughs not wholly in a petty sessional division the quarter sessions (p. 428). These districts may be altered from time to time. Each polling district has a polling place (p. 424), and the polling places are arranged with a view that the voter shall have a polling place in counties within three miles of his residence, and in boroughs within one mile (p. 494). Each voter votes in counties at the polling place for the district in which the qualifying property is situated, or if he have so claimed before the revising barrister at the place of the district within which he lives as stated in the register (p. 91), and in boroughs at the polling place for the district in which the qualifying property is situated, and if the qualification be not property where his place of abode is described in the register (p. 399). At every polling place there must be a sufficient number of polling stations, which are distributed by the returning officer among the voters entitled to vote at that polling place. Each station has a presiding officer who has control over it and over the copy of the register of voters allotted to vote at that station, and over the votes by ballot, which is the legal means of

Polling districts.

Presiding officer at the poll.

recording votes. He may remove any person misconducting himself, and, if required on behalf of a candidate, ask the voter the two questions still allowed to be administered at the poll, namely, whether he is the person whose name appears on the register, and whether he has voted before, and may, if required, administer an oath to confirm the answer (p. 436). Conversely, if a person presents himself to vote when another person has already voted in that name, after answering the questions and taking the oath, the presiding officer allows him to record his vote on a "tendered ballot paper," and enters his name in the "tendered voters' list." Again, if a voter deal with a ballot paper so as to make it useless, the presiding officer may give him another, and the ballot paper becomes a "spoilt paper." A further duty of the presiding officer is to mark the ballot paper of illiterate voters, after they have made a declaration of their illiteracy, to place their papers in the box, and to enter the name and number of the illiterate voter in the list of votes marked by the presiding officer. The poll lasts from eight o'clock in the morning to eight at night (p. 515), and at its close the presiding officer makes up and seals the ballot boxes, the unused and spoilt ballot papers, the tendered ballot papers, the marked copy of the register of voters showing the voters who have voted, the counterfoils of the ballot papers used, the tendered voters' list, and the list of illiterates' votes marked by him. These packets are to be delivered to the returning officer, and are to be accompanied by "the ballot paper account," which accounts for all the ballot papers issued to the presiding officer. The agents of the candidates, including their personation agents, if any (p. 405), may be present in the polling stations.

Ballot paper.

The ballot paper contains a list of the candidates nominated. On its being delivered to the voter it is marked on both sides with the official mark, and the number of the elector in the register is marked on the counterfoil. The counterfoil and the ballot paper have corresponding numbers, so that while the ballot paper does not disclose the voter's number on the register, that number can still be traced in case of a scrutiny. The elector enters a compartment of the polling station, marks the paper with a cross opposite the name or names for which he votes, folds up the paper, and puts it into the ballot box, which at the commencement of the proceedings has been shown empty and sealed. Every precaution is taken throughout the voting to maintain the secrecy of the ballot by imposing penalties and otherwise.

Counting
votes.

The counting of the votes takes place before the returning officer, who, after opening the boxes and recording the number of papers in each, mixes all the papers together. He may reject ballot papers for want of the official mark, for voting for too many candidates, for identifying the voter, or for being uncertainly marked or not marked at all. He has also to verify the

ballot paper account, and forwards to the Clerk of the Crown all the documents sorted as required by the rules of the Ballot Act. These papers are retained for a year, and may be inspected by order of the House of Commons or of the High Court.

The last duty of the returning officer is to make his return. This is done by endorsement on the writ of the names returned, and the writ is then sent through the post to the Clerk of the Crown (p. 447). The return.

The election of members for the Universities is not by ballot but by voting papers, and the returning officer is the Vice-Chancellor. The voting may be personally or by voting papers, in pursuance of the Act of 1861 (p. 419).

The account of the election so far given deals only with what may be called the official part of the proceedings. An account remains to be given of the election as it concerns the candidates, and the law on this subject is mainly to be found in the Corrupt and Illegal Practices Prevention Act, 1883. By this Act the expenditure of money by the candidates is closely restricted. With this object the number of persons employed for payment by the candidate to promote his return is limited. He can have one election agent only, to be nominated on or before the day of election, which post he may fill himself (p. 477), but in counties he may also have a sub-agent in each polling district, to be nominated in writing by the election agent one clear day before the polling. He can have one polling agent in each station only, in boroughs one clerk, and one messenger for each five hundred electors only, in counties one clerk and one messenger in the central committee room for every five thousand electors, and in each polling district one clerk and one messenger for every five hundred electors in that district, and the persons so employed are forbidden to vote (p. 504). These numbers must not be exceeded, and no persons may be employed for payment in any other capacity than those specified, as, for example, paid canvassers. Committee rooms are not to be held in licensed premises, non-political clubs, refreshment houses, or schools (p. 474). Corrupt practices.

In boroughs one committee room for every five hundred electors, and in counties one central committee room, and one other committee room in each polling district for every five hundred electors in that district (p. 505).

In addition to the expenses thus incurred the candidate is allowed to pay his share of the returning officer's legal charges, his own personal expenses up to £100, the expenses of printing and advertising, stationery, &c., and the expenses of holding public meetings. The expenses additional to these must not exceed in any case £200, and the maximum of expenses, with the exception of personal expenses and returning officer's charges, is in boroughs, when the number of electors does not exceed two thousand, £350, when they exceed two thousand the maximum is £380, with an additional £30 for every complete thousand electors above two thousand. In counties, when the

Return of
expenses.

electors do not exceed two thousand, the maximum is £650, when they exceed that number the maximum is £710, with an additional £60 for every complete thousand electors above two thousand (p. 505). The amount is further reduced in the case of joint candidates by one-fourth, or in the case of more than two by one-third (p. 506). Moreover, the election agent is bound to make a return of election expenses in detail, to the accuracy and exhaustiveness of which both the agent and the candidate are required to make a solemn declaration. All payments are required to be made by the election agent (p. 478), and all money provided for the election is to be paid to him. There must be a voucher for every payment above 40s., and every claim must be sent in to the agent within fourteen days from the election, otherwise it is barred, and paid within twenty-eight days, except in the case of disputed claims. The candidate has himself to provide his agent with a return of his personal expenses, and the return of expenses with the declaration verifying it has to be sent in to the returning officer within thirty-five days of the election. The return must include all payments with vouchers, the candidate's personal expenses, the returning officer's charges, and disputed and unpaid claims on the one side, and a statement of cash received on the other. The candidate must also at the time of the agent's return, or within seven days afterwards, transmit his declaration verifying the return. A member cannot after the time for making the return and declaration sit or vote until they are made; and if any candidate or election agent knowingly make the declaration falsely, he is on conviction guilty of perjury, and also of a corrupt practice, vacating a seat. Failure or error in the return and declarations, if due to the candidate's illness or the agent's misconduct, or otherwise excusable, may be excused by order of the High Court or an Election Court. The returning officer on receiving the return, publishes a summary of it in the newspapers, and it is open to inspection (p. 484).

A false declaration of expenses is deemed a corrupt practice, and if either the candidate or his agent be found guilty of it, either by the Election Court or on indictment, the election is void (pp. 468, 469). The other corrupt practices avoiding the election, if committed by the candidate or through his agent, are treating, undue influence, bribery, personation, and aiding personation. Corrupt practices are further punishable on conviction by fine and imprisonment, by disqualifying as elector, or as a judicial or public officer. Personation is a felony, punishable with two years' hard labour. Similarly, illegal practices reported by the Election Court avoid an election (p. 471). Illegal practices consist of certain illegal payments made for the purpose of procuring an election, namely, for the conveyance of electors, which are absolutely forbidden both in counties and boroughs, for the use of premises for the exhibition of addresses, and for an excessive number of committee rooms, and

payments made in excess of the maximum (p. 469). Other illegal practices are inducing a prohibited person to vote (p. 470), publishing a false statement of the withdrawal of a candidate, and issuing placards without the printer's name and address (p. 474). Illegal practices are further punishable on summary conviction by fine, and incapacity for voting for five years (p. 471). A third class of electoral offence consists of illegal payments, employment, and hiring. Illegal payments consist of providing money in excess of the maximum allowed for the election, payment to induce a candidate to withdraw, payment for bands, cockades, &c., the gift of which is forbidden (p. 415), and payment of persons employed (as canvassers or otherwise) in promoting a candidate's election other than the persons specially allowed. Lending or borrowing hackney carriages, or carriages kept for hire, for conveying voters is an illegal hiring. Engaging promoters of a candidature in an unauthorized capacity, hiring licensed premises, non-political clubs, refreshment houses and schools, as committee rooms are illegal hirings. The punishment for this class of offence is a fine, and, if the candidate is personally guilty, an illegal practice avoiding the seat is committed (p. 475). There is a distinction as regards the seat between illegal payments, which are illegal practices *per se*, such for example as a payment for the conveyance of electors made for the purpose of procuring an election, and illegal payments, such as a payment for cockades, in that the former avoid the election if committed by an agent, whereas the latter are not illegal practices, and do not avoid the election, unless committed by the candidate personally (p. 475). There are provisions allowing the Election Court to excuse the candidate from the consequences of treating, undue influence, and illegal practices by an agent, if they are done contrary to orders, and reasonable means were taken to prevent the occurrence, the offence was trivial, and the election otherwise pure (p. 475). Again, if a *prima facie* illegal practice arise from accident or other reasonable cause, the Election Court or the High Court may relieve. Further means are taken for the purity of elections by providing that justices of the peace reported guilty of corrupt practices may be dealt with by the Lord Chancellor, barristers and solicitors by their Inns of Court or the High Court, and licensed victuallers by the licensing justices (p. 486). Voters incapacitated by corrupt or illegal practices are to be kept out of the lists by the registration officer (p. 487).

THE ELECTION PETITION.

The validity of an election is tried before an Election Court consisting of two judges, set in motion by an election petition. The petition is signed by a voter, or claimant of a vote, or a candidate, and must ordinarily be presented within twenty-one

days after the return of the writ to the Clerk of the Crown (p. 523), or, if an illegal practice be alleged, fourteen days after the return of election expenses (p. 489), or if corrupt or illegal practices are alleged, together with a payment or other act in furtherance of the practice since the return of the writ, or the return of election expenses, the petition may be presented within twenty-eight days of the alleged payment or act. The time for petitioning in respect of an illegal practice is thus greatly extended by the Act of 1883, possibly amounting to fourteen days after the thirty-five limited for the return of expenses. Security to the amount of £1000 must be given (p. 523). Careful provision is made against the corrupt withdrawal of a petition once presented (p. 490). The form of the petition, and the practice in regard to it, is provided in detail by rules of court made by the judges (p. 539). The petition is tried in the borough or county, and the procedure is similar to that in use at the Assizes, and the two judges who try the petition may reserve questions of law for the decision of the High Court (p. 528).

A considerable extension of the duties of the judges at the trial of an election petition was made by the Act of 1883, when the Public Prosecutor or his assistant was required to attend, with a view both to subsequent proceedings elsewhere, and to the summary prosecution of offenders before the Election Court (p. 491). A person before he is so prosecuted must be summoned before the Court, and has the option of a jury, and if he elect to be so tried an indictment may be ordered, and he may be committed for trial. Otherwise he may be convicted and sentenced by the Election Court. A witness summoned before an Election Court is obliged to answer incriminating questions, but he may receive an indemnity, and thereupon an answer given by him is not evidence, except upon an indictment for perjury (p. 499); but a solicitor acting in the petition who has taken no part in the election cannot be compelled to answer as to matters which came to his knowledge professionally.

At the conclusion of the trial of the election petition the judges make their certificate and report. The certificate (p. 527) states whether the member whose return is complained of, or any other person was duly elected, or whether the election was void. The report (pp. 471, 527) states whether any corrupt or illegal practice has been proved to have been committed with the knowledge or consent of a candidate, or whether any illegal practice has been committed by an agent, the names of persons proved to have been guilty of a corrupt or illegal practice, and whether corrupt or illegal practices have, or there is reason to believe that they have, extensively prevailed at the election. There may also be a special report to the Speaker of any matter which ought to be submitted to the House of Commons.

THE PARLIAMENTARY ELECTION ACTS.

P A R T I.

QUALIFICATION OF ELECTORS.

	PAGE
8 Hen. 6, c. 7	Qualification of county electors by Forty-Shilling Freehold 2
10 Hen. 6, c. 2	The Forty-Shilling Freehold to be within the county 4
7 & 8 Will. 3, c. 25, ss. 6, 7.	Disqualification of infants—Restriction on faggot-votes 4
10 Anne, c. 23	Further restriction on faggot-votes 5
18 Geo. 2, c. 18	The Forty-Shilling Freehold to have been held for twelve months 6
19 Geo. 2, c. 28	The same as to counties of towns 7
3 Geo. 3, c. 15	Penalty for ante dating admission of freeman 8
20 Geo. 3, c. 17	Voting by second husband of woman entitled to dower 9
26 Geo. 3, c. 100	The potwaller's, &c., qualification for boroughs to have been held for six months 9
53 Geo. 3, c. 49	Devise to split votes void 11
10 Geo. 4, c. 44, s. 18	Disqualification of metropolitan police 12
2 Will. 4, c. 45 (<i>Reform Act, 1832</i>)	Qualification for county vote by freehold for life, or by leasehold of not less than £50 value—Possession for six months and registration essential—Qualification for borough vote, by occupation of building of £10 value, by occupier having resided in borough for six months, and of free men—Disqualification by parochial relief in boroughs—Registration essential 13
2 & 3 Vict. c. 71, s. 6	Metropolitan Police 28
93	Disqualification of county police 28
5 & 6 Vict. c. 35, s. 184	Non-payment of property tax no disqualification 29
6 Vict. c. 18, ss. 73–8	Successive and joint occupation in counties—Qualification in respect of trust or mortgaged estate—Measurement of distance 29
11 & 12 Vict. c. 90	Date of payment of rates 33
19 & 20 Vict. c. 69	Disqualification of borough police 34
30 & 31 Vict. c. 84, s. 26.	Medical poor relief by way of vaccination no disqualification 34
30 & 31 Vict. c. 102 (<i>Representation of the People Act, 1867</i>)	Qualification for borough franchise by occupation of dwelling-house or lodgings of £10 value—Rating of occupier—Qualification for county franchise by life ownership or leasehold ownership of land of £5 yearly value, and by occupation of land of £12 yearly value—Disqualification by parochial relief in counties 35
31 & 32 Vict. c. 58 46
73	Enfranchisement of revenue collectors 46
32 & 33 Vict. c. 41	Effect of payment of rates by owner 46
33 Vict. c. 14	Aliens 51
33 & 34 Vict. c. 23	Disqualification on conviction for felony 52

	PAGE
33 & 34 Vict. c. 75 . . .	Corrupt practice at school board election . . . 53
37 & 38 Vict. c. 22 . . .	Further enfranchisement of revenue collectors . . . 53
39 & 40 Vict. c. 79 . . .	Relief from school fees no disqualification . . . 54
41 Vict. c. 3 . . .	Letting of house furnished for four months no break of residence under s. 3 of Act of 1867 . . . 54
— — — — — 26 . . .	"House," &c., to mean "part of house," &c. . . 55
42 & 43 Vict. c. 10 . . .	Effect of owner's allowance on payment of rates . . . 57
46 & 47 Vict. c. 35, s. 7 . . .	Admission into Metropolitan Hospital no disqualification . . . 57
46 & 47 Vict. c. 51 . . .	Disqualification by corrupt or illegal practice . . . 58
47 & 48 Vict. c. 70 . . .	Disqualification by corrupt or illegal practice at municipal election . . . 58
48 Vict. c. 3. (<i>Representation of the People Act, 1884</i>) . . .	Qualification for county vote by possession of either dwelling-house or lodger qualification for borough vote—Qualification for county vote by occupation of land of £10 yearly value . . . 59
48 Vict. c. 15. (<i>Registration Act, 1885</i>) . . .	Period of qualification in counties—Qualification in Universities of Oxford and Cambridge . . . 71
48 & 49 Vict. c. 23, ss. 10, 27, 28. (<i>Redistribution of Seats Act, 1885</i>) . . .	Successive occupation in divided borough—Enfranchisement of persons disfranchised for bribery in 1867, and disfranchisement of other persons for bribery in 1880 . . . 72
48 & 49 Vict. c. 46 . . .	Medical relief no disqualification . . . 73

8 Hen. 6, c. 7.

8 Hen. 6, c. 7. What Sort of Men shall be Choosers, and who shall be chosen Knights of the Parliament.

[A.D. 1429.]

Electors shall have forty shillings a year freehold.

Also, whereas the elections of knights of shires chosen to come to the Parliaments of our lord the King, in many counties of England, have now of late been made by very great outrageous and excessive number of people dwelling within the same counties of the realm of England, of the which most part was by people of small substance, or of no value, whereof every of them pretended to have a voice equivalent, as to making such elections, with the most worthy knights and esquires dwelling within the same counties, whereby manslaughter, riots, batteries, and divisions among the gentlemen, and other people of the same counties, shall very likely rise and be, unless convenient and due remedy be provided in this behalf: our lord the King, considering the premises, hath provided, ordained, and established, by authority of this pre-ent Parliament, That the knights of the shires to be chosen within the realm of England to come to the Parliaments of our lord the King hereafter to be holden, shall be chosen in every county of the realm of England, by people dwelling and resident in the same counties, whereof every one of them shall have free land or tenement to the value of forty shillings by the year at the least above all charges; and that they which shall be so chosen shall be dwelling and resident within the same counties.

Provided always, that he which cannot expend forty shillings by year, as afore is said, shall in no wise be chooser of the knights for the Parliament.

Prior to this enactment, the qualification to elect appears, under 7 Hen. 4, c. 15 (repealed impliedly by this enactment, and expressly by the Ballot Act, 1872), to have been possessed by *all present* at the county court, "as well suitors, as others," summoned by proclamation.

8 Hen. 6, c. 7.

This enactment (here printed with omission of words repealed by Ballot Act, 1872) up to 1832 remained the principal qualification Act for counties, the Act of 1832 being the first to give the occupation franchise for counties. It applies to freeholds only, which term includes both freeholds for the life of the holder and freeholds for the life of another, and also rent-charges.

Amendments of Law.] Qualification by ownership for life or lives restricted to occupiers by s. 18 of Act of 1832, p. 13. Six months' possession required by s. 26 of Act of 1832, p. 16. Registration required by Act of 1843, p. 74. Receipt of parochial relief a disqualification by s. 40 of Act of 1867, p. 43. Qualification by rent-charges and double ownership restricted by s. 4 of the Act of 1884, p. 60.

By people.] Women are disqualified at common law, and cannot vote for counties under this statute, any more than they can for boroughs under s. 3 of the Act of 1867, p. 35: *Chorlton v. Kessler*, L. R. 4 C. P. 397.

Dwelling and Resident.] So much as relates to the residence of persons to be elected members, or of the persons by whom they are to be chosen, is repealed by 14 Geo. 3, c. 58, which latter statute is itself repealed by the Statute Law Revision Act, 1871, but not (see 13 & 14 Vict. c. 21, s. 5) so as to revive the portion of this Act repealed thereby.

Free Land or Tenement.] These words include a rent-charge: *Dodds v. Thompson*, L. R. 1 C. P. 133; 35 L. J. C. P. 97, although there be no power to distrain for it (*ib.*), and although there may be a power to distrain which is nugatory: *Dawson v. Robbins*, 2 C. P. D. 38; 46 L. J. C. P. 62; but a rent-charge below £5 granted by a *tenant for life* is not within the exceptions of the amending s. 18 of the Act of 1832 as amended by s. 5 of the Act of 1867, and therefore such a rent-charge does not confer a vote: *Druitt v. Christ Church Overseers*, 12 Q. B. D. 365; 35 L. J. Q. B. 144; 32 W. R. 371; 1 Colt. 328. The words clearly include ecclesiastical freeholds, and even a perpetual curacy: *Wallis v. Birks*, L. R. 5 C. P. 222, has been held to give at least an equitable freehold; but the words do not include the interest of an incumbent in a fixed sum paid by the ecclesiastical commissioners: *Kirton v. Dear*, L. R. 5 C. P. 217; 39 L. J. C. P. 36; 22 L. T. 268; H. & C. 349; nor that of the "six preachers" of Canterbury Cathedral: *Hall v. Lewis*, 4 C. B. (N.S.) 106; nor that of a parish clerk in respect of his fees for opening graves: *Bushell v. Eastes*, 11 C. B. (N.S.) 106; nor a right to sit in a pew: *Hinde v. Chorlton*, L. R. 2 C. P. 104; *Brumfitt v. Roberts*, L. R. 5 C. P. 224; 39 L. J. C. P. 95; or a right to shares in a bridge: *Wadmore v. Dear*, L. R. 7 C. P. 212; or the profits of an ordinary joint stock company: *Bulmer v. Norris*, 30 L. J. C. P. 25.

In *Philips v. Salmon* (L. R. 3 C. P. 97) it was held that the occupant of an apportioned plot of the waste of a manor had a sufficient freehold interest.

Value.] This means what the land may, not necessarily only what it does, produce: *Asbury v. Henderson*, 15 C. B. 251; 24 L. J. C. P. 20.

Forty Shillings.] This may be made up by several parcels each below the forty shillings: *Wood v. Hopper*, 1 C. P. D. 192; 45 L. J. C. P. 108.

Above all charges.] Not including public taxes (18 Geo. 2, c. 18, s. 6, p. 7, *post*), nor payments redounding to the permanent benefit of the owner: *Rolleston v. Cope*, L. R. 6 C. P. at p. 301, as outlay for laying on water: *Buckley v. Wrigley*, L. R. 7 C. P. 185; but including expenses of collecting rents: *Hamilton v. Boss*, 22 L. J. C. P. 29; 12 C. B. 631; *Sherlock v. Steward*, 29 L. J. C. P. 87; 7 C. B. (N.S.) 21, and ordinary repairs: *Buckley v. Wrigley*, *supra*; also water rates and local rates: *Moorhouse v. Gilbertson*, 23 L. J. C. P. 19; 14 C. B. 70; and generally all annual charges necessarily incurred in realising the rent if the freehold be let, and all mortgage interest although the mortgage secure principal only: *Lee v. Hutchinson*, 8 C. B. 18, but not pay-

8 Hen. 6, c. 7.

Forty-shilling
freeholders.

ments made in reduction of the principal: *Rolleston v. Cope*, L. R. 6 C. P. 292; 40 L. J. C. P. 160; 24 L. T. 930; 19 W. R. 927; 1 H. & C. 488, where see the cases reviewed.

As to equitable estates, see s. 74 of the Act of 1843 and notes, p. 30, in which *Steele v. Bosworth*, 34 L. J. C. P. 57, and other cases as to the rights of the inmates of hospitals are treated.

10 Hen. 6, c. 2.

10 Hen. 6, c. 2.

Electors shall
have forty
shillings a year
within the
same county.

Also [Recital of Stat., 8 Hen. 6, c. 7, *supra*], whereas not making express mention in the same, that every man that should be chooser of any such knights, should have freehold to the value of forty shillings at the least, above all charges, within the same county, where such chooser with other like shall make such election, or elsewhere: And therefore our lord the King, willing to make full declaration of the said statute, with the advice and assent as aforesaid, and at the special request of the said Commons, hath ordained, That the knights of all counties within the said realm, to be chosen to come to Parliaments to be hereafter holden, shall be chosen in every county by people *dwelling and resiant in the same*, whereof every man shall have freehold to the value of forty shillings by the year at the least, above all charges, within the same county where any such chooser will meddle of any such election.

Words in italics repealed by 14 Geo. 3, c. 58. See note to 8 Hen. 6, c. 7, p. 3.

7 & 8 Will. 3,
c. 25.**7 & 8 Will. 3, c. 25.**

[For sections of this Act as to the writ, see Part V., "The Election."]

Trust and
mortgaged
estates.

Conveyances
to multiply
voices void.

6. And be it also enacted, *That no person or persons shall be allowed to have any vote in election of members to serve in Parliament, for or by reason of any trust, estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate; but that the mortgagor, or cestui que trust, in possession, shall and may vote for the same estate, notwithstanding such mortgage or trust; and that all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port, or place, in order to multiply voices, or to split and divide the interest in any houses or lands among several persons, to enable them to vote at elections of members to serve in Parliament, are hereby declared to be void and of none effect, and that no more than one single voice shall be admitted for one and the same house or tenement.*

The words in italics are expressly repealed by the Statute Law Revision Act, 1867, these provisions having been superseded by those of s. 74 of the Act of 1843. See that section and note, p. 30, *post*.

Conveyance to multiply voices.] The conveyance is void only if the vendor be privy to the object: *Marshall v. Brown*, 7 M. & G. 188, and even the privity of the vendor's solicitor does not avoid it, if the vendor himself be not privy: *Hoyland v. Bremner*, 2 C. B. 84; 15 L. J. C. P. 133. Moreover, conveyances for *bonâ fide* consideration: *Thorniley v. Aspland*, 2 C. B.

160; or for the consideration only of natural love and affection: *Newton v. Hargreaves*, 2 C. B. 163, are good, although the avowed object of both parties be to create votes: *Newton v. Crowley Overseers*, 2 C. B. 207; *Riley v. Crossley*, 2 C. B. 146; 15 L. J. C. P. 144. It is only fraudulent and collusive conveyances (see 10 Anne c. 23, *infra*), reserving a trust for the grantors which are bad: *Riley v. Crossley*, *supra*, and the question whether there was fraud or not so as to avoid the vote is one of fact for the revising barrister: *Newton Overseers v. Mobberley*, 2 C. B. 203; 15 L. J. C. P. 154. The fraudulent conveyance is bad only to the extent of avoiding the vote, and operates to pass a legal interest from the grantor to the grantee: *Philpotts v. Philpotts*, 10 C. B. 85; 20 L. J. C. P. 11. The enactment must be read with 10 Anne, c. 23, *infra*, and see further 53 Geo. 3, c. 49.

No more than one voice.] See as to joint qualifications, Act of 1832, s. 29, p. 19; Act of 1843, s. 73, p. 30; and Act of 1884, s. 4, and note, p. 160.

7. And be it further enacted, That no person whatsoever, being under the age of one and twenty years, shall at any time hereafter be admitted to give his voice for election of any member or members to serve in this present, or any future Parliament; and that no person hereafter shall be capable of being elected a member to serve in this or any future Parliament, who is not of the age of one and twenty years; and every election or return of any person under that age is hereby declared to be null and void; and if any such minor hereafter chosen shall presume to sit or vote in Parliament, he shall incur such penalties and forfeitures, as if he had presumed to sit and vote in Parliament without being chosen or returned.

None under
twenty-one
years to vote.

Penalty.

This section, in so far as it disqualifies infants from voting, is declaratory of the common law: Heywood, 258, citing 4 Inst. 5. See also s. 3 of the Act of 1867, and note thereto, p. 36.

10 Anne, c. 23. [C. 31, in Revised Statutes.] An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament. [A.D. 1711.]

10 Anne, c. 23.

Whereas by an Act of Parliament made in the seventh year of the reign of his late majesty King William the Third, intituled, "An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs and other Officers in the Electing and Returning such Members," it is, amongst other things, enacted, That all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port or place, in order to multiply voices, or to split and divide the interest in any houses or lands amongst several persons, to enable them to vote at elections of members to serve in Parliament, shall be void and of none effect; and that no more than one single voice shall be admitted for one and the same house and tenement: And whereas (notwithstanding this provision to the contrary) many fraudulent and scandalous practices have been used of late to create and multiply votes at the election of

Recital of
7 & 8 Will 3,
c. 25, s. 7.

10 Anne, c. 23.

Faggot-votes.

Fraudulent
conveyances to
qualify for
vote void.

Bonds, &c.,
void.

Making, &c.,
such convey-
ance or voting
by colour
thereof.

Penalty.

knights of the shire to serve in Parliament, to the great abuse of the ancient law and custom of that part of Great Britain called England, to the great injury of those persons who have just right to elect, and in prejudice of the freedom of such elections: Therefore, for the more effectual preventing of such undue practices, be it enacted, That all estates and conveyances whatsoever made to any person or persons in any fraudulent or collusive manner, on purpose to qualify him or them to give his or their vote or votes at such elections of knights of the shire (subject nevertheless to conditions or agreements to defeat or determine such estate, or to reconvey the same) shall be deemed and taken, against those persons who executed the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such conveyance shall be made, as aforesaid, freely and absolutely acquitted, exonerated and discharged, of and from all manner of trust, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts or agreements, between or with the said parties, or any other person or persons in trust for them or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons who made or executed such conveyance, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances, as aforesaid, or being privy to such purpose, shall devise or prepare the same, and every person who, by colour thereof, shall give any vote at any election of any knight or knights of a shire to serve in Parliament, shall, for every such conveyance so made, or vote so created or given, forfeit the sum of forty pounds to any person who shall sue for the same, to be recovered, together with full costs of suit, by action of debt, bill, plaint or information, in any of her Majesty's Courts of Record at Westminster; wherein no essoin, privilege, protection, wager of law, or more than one imparlance shall be admitted or allowed.

18 Geo. 2, c. 18.

18 Geo. 2, c. 18. An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for that part of Great Britain called England.

5. And be it further enacted by the authority aforesaid, that from and after the said twenty-fourth day of June, one thousand seven hundred and forty-five, no person shall vote in any such election, without having a freehold estate in the county for

which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same, and without having been in the actual possession, or in receipt of the rents and profits thereof, for his own use, above twelve calendar months, unless the same came to him within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office, or shall vote in respect or in right of any freehold estate, which was made or granted to him fraudulently, on purpose to qualify him to give his vote.

But see Reform Act, 1832, s. 26, p. 16, *post*, which reduces the twelve months to six. An omitted portion of the present section is repealed by the Ballot Act.

6. And be it declared by the authority aforesaid, that no publick or parliamentary tax, county, church, or parish rate or duty, or any other tax, rate, or assessment whatsoever, to be assessed or levied upon any county, division, rape, lathe, wapentake, ward, or hundred, is or shall be deemed or construed to be any charge, payable out of or in respect of any freehold estate, within the meaning and intention of this Act, or of the oath or solemn affirmation herein before directed to be administered to, and taken by every freeholder, if required, as aforesaid.

Repeated by 19 Geo. 2, c. 28, s. 5, *infra*, as to counties of towns, and by s. 21 of the Reform Act, 1832, *post*.

18 Geo. 2, c. 18.

Forty-shilling freeholders to be in possession above 12 months.

No public tax to be deemed a charge on a freehold.

19 Geo. 2, c. 28.

19 Geo. 2, c. 28.

4. And be it further enacted, that no person shall vote in such election of a member or members to serve in Parliament for any city or town, being a county of itself, and in which persons have a right to vote for such members, for and in respect of lands, tenements, or hereditaments, of the yearly value of forty shillings, unless such persons shall have a freehold estate in the city and county, or town and county, for which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same, and shall have been in the actual possession, or in receipt of the rents and profits thereof for his own use, above twelve calendar months, except the same came to him within the time aforesaid by descent, marriage, or marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office; and no person shall vote in respect or in right of any freehold estate which was made or granted to him fraudulently, on purpose to qualify him to give his vote.

But see Reform Act, 1832, s. 26, p. 16, *post*. An omitted portion of the present section is repealed by the Ballot Act.

5. And be it declared by the authority aforesaid, that no publick or parliamentary tax, church or parish rate or duty, or any other tax, rate, or assessment whatsoever, to be assessed

Forty-shilling freeholders in counties of towns

to be in possession above 12 months.

Exception.

Fraudulent qualification.

Taxes not within this Act.

19 Geo. 2, c. 28.

Twelve months' possession.

Act not to extend to places with burgage votes, &c.

or levied within such cities or towns, being counties of themselves, as aforesaid, is or shall be deemed or construed to be any charge payable out of or in respect of any freehold estate within the meaning and intention of this Act, or of the oath or solemn affirmation herein before directed to be administered to, and taken by every freeholder, if required, as aforesaid.

13. Provided always, and be it enacted by the authority aforesaid, that this Act, or any thing therein contained (other than and except such clauses and provisions as are by this Act made for or concerning allowing cheque books, or for or concerning notice to be given of the time and place of election, and proceeding to election thereupon) shall not extend, or be construed to extend, to any city or town, being a county of itself, or to any person or persons where the right of voting for any member or members of any such city or town is, for or in respect of burgage tenure, or where the right of voting for such member or members, for or in respect of a freehold, does not require the same to be of the yearly value of forty shillings.

3 Geo. 3, c. 15.

3 Geo. 3, c. 15.

Penalty for antedating the admission of any freeman, £500.

Admissions of freemen to be open to inspection.

Books, &c., to be produced, if demanded, at every election.

3. If any mayor, bailiff, sheriff, town clerk, or other officer of any corporation, or other person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any admission of any freeman, such mayor, bailiff, sheriff, town clerk, officer, or other person, shall, for every such offence, forfeit and pay the sum of five hundred pounds to him, her, or them, who shall inform and sue for the same.

4. The mayor, bailiff, sheriff, town clerk, or other officer of any corporation, having the custody of, or power over, the records of the same, shall, upon the demands of any candidate, or his agent, or any two freemen, on the payment of one shilling, permit such candidate, agent, or freemen, between the hours of nine in the morning and three in the afternoon, at any time before, and within one month after, any such election as aforesaid, to inspect the books and papers wherein the admission of freemen shall be entered; and to have copies of minutes of the admission of so many freemen as such candidate, agent, or freemen, shall think fit, upon paying to such mayor, bailiff, sheriff, town clerk, or other officer, a reasonable charge for writing the same; and such books and papers shall, if demanded by such candidate, agent, or freemen, be produced by such mayor, bailiff, sheriff, town clerk, or other officer, at every election, and be referred to, in case any dispute shall arise touching the right of any person to give his vote thereat: and if such mayor, bailiff, sheriff, town clerk, or other officer, shall refuse or deny such candidate, agent, or freemen, the inspection of such books and papers, or to have copies of minutes thereof, or shall refuse or neglect to produce such

books and papers at any election, if demanded and paid for in the manner hereinbefore set forth, such mayor, bailiff, sheriff, town clerk, or other officer, shall for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same.

3 Geo. 3, c. 15.

5. All forfeitures or penalties laid or imposed by this Act, shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Recovery of penalties.

6. Provided always, and it is hereby further enacted and declared, that no person shall be liable to any forfeiture or penalty by this Act laid or imposed, unless prosecution be commenced within one year after such forfeiture or penalty shall be incurred.

Prosecution to be within a year.

[7. *Act to be read by returning officer at all elections by freemen.*—Repealed by Ballot Act, 1872.]

8. Nothing in this Act shall extend, or be construed to extend, to the cities of London or Norwich.

Act not to extend to London or Norwich.

20 Geo. 3, c. 17.

20 Geo. 3, c. 17.

12. Whereas disputes have arisen, whether the husbands of women entitled to dower or thirds, at common law, out of the estates of their former husbands, shall be entitled to vote in the election of members of Parliament, unless dower has been assigned and set out, by metes and bounds, for such women; be it therefore further enacted, that where any woman, the widow of any person tenant in fee or in tail, shall be entitled to dower or thirds, by the common law, out of the freehold estate of which her husband died seised or possessed, and shall intermarry with a second husband, such second husband shall be entitled to vote in respect of such dower or thirds, if such dower or thirds shall be of the clear yearly value of forty shillings, or upwards, although the same has not been assigned or set out by metes or bounds, if such second husband shall be in the actual receipt of the profits of such dower, and the estate from whence the same issues is rated to, and contributes to the land tax in the name of the actual owner of the lands or tenements from whence such dower or thirds arises or issues.

Qualification of husbands of women entitled to dower out of estates of former husbands.

26 Geo. 3, c. 100. An Act to prevent Occasional Inhabitants from voting in the Election of Members to serve in Parliament, for Cities and Boroughs, in that Part of Great Britain called England, and the Dominion of Wales.

26 Geo. 3, c. 100.

[A.D. 1786.]

Whereas it frequently happens, in cities and boroughs where the right of election of members to serve in Parliament is in the inhabitants paying scot and lot, or in the inhabitants

Preamble.

26 Geo. 3,
c. 100.

Potwallers, &c.

Any person
voting as an
inhabitant,
paying scot and
lot, &c., who
shall not have
been so six
months pre-
vious to the
election, to
forfeit £20.

but not to ex-
tend to persons
acquiring pos-
session by
descent, &c.,

nor to others
than inhabi-
tants paying
scot and lot,
&c.

householders, housekeepers, and pot-wallers, legally settled, or in the inhabitants householders, housekeepers, and pot-wallers, or in the inhabitants householders residents, or in the inhabitants within such cities or boroughs, that much trouble, expense, and litigation, is created by occasional voters, to the great prejudice of the real inhabitants, who bear the burthens of such cities and boroughs, and to whom the right of sending members to Parliament belongs: For remedy thereof, be it enacted that from and after the first day of August, one thousand seven hundred and eighty-six, no person shall be admitted to vote at any election of a member or members to serve in Parliament for any city or borough of that part of Great Britain called England, or the dominion of Wales, as an inhabitant paying scot and lot, or as an inhabitant householder, housekeeper, and pot-waller, legally settled, or as an inhabitant householder, housekeeper, and pot-waller, or as an inhabitant householder resident, or as an inhabitant of such city or borough, unless he shall have been actually and *bonâ fide* an inhabitant paying scot and lot, or an inhabitant householder, housekeeper, and pot-waller, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant householder resident, or an inhabitant within such city or borough, six calendar months previous to the day of the election at which he shall tender his vote; and if any person shall vote at any such election, contrary to the true intent and meaning of this Act, his vote shall be deemed null and void, and he shall forfeit, to any persons who shall sue for the same, the sum of twenty pounds, to be recovered by him or her, by action of debt, in any of his Majesty's Courts of Record at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof of inhabitancy, as aforesaid, shall lie upon the person against whom the same shall be brought: Provided, nevertheless, that such action be commenced within six calendar months after the cause of action accrued: Provided also, that nothing in this Act contained shall extend, or be construed to extend, to any person acquiring the possession of any house, in any city or borough, by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice.

2. Provided also, and be it further enacted, that this Act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants householders, housekeepers, and pot-wallers, legally settled, or as inhabitants householders, housekeepers, and pot-wallers, or as inhabitants householders residents, or as inhabitants within such cities or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in Parliament for such cities or boroughs, by any other title, or by any other superadded qualification.

For reserved rights of "Scot and lot" voters, "potwallers," and others, see Reform Act, 1832, s. 33, and note, from which it will be seen that the electors within the purview of this Act (which does not apply to freemen) must, in order to be still qualified, have possessed their qualification on the 7th June, 1832, and retained it continuously since then—so that, as they must have been at least of age at that date, very few of them would now (1885) survive.

"Scot and lot" is any assessed contribution to common expenses, such as the poor rate.

A "potwaller" is one who cooks his own diet at his own fireplace in a room of his own. The *Taunton Election Case* (*Curries' Case*, A.D. 1838), *Falconer v. Fitzherbert*, at p. 311.

26 Geo. 3,
c. 100.

53 Geo. 3, c. 49. An Act to explain and amend an Act, passed in the Seventh and Eighth Years of the Reign of the late King William, as far as relates to the splitting and dividing the Interest in Houses and Lands among several Persons to enable them to vote at Elections of Members to serve in Parliament.

[21st May, 1813.]

Whereas by an Act of Parliament, made in the seventh year of the reign of his late Majesty King William the Third, intituled "An Act for the further regulating Elections of Members to serve in Parliament, and for preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members," it is amongst other things enacted (p. 4, *ante*), that all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port, or place, in order to multiply voices, or to split and divide the interest in any houses or lands amongst several persons to enable them to vote at elections of members to serve in Parliament, shall be void and of none effect: And whereas doubts have been entertained whether devises by will made in such cases, and for such purposes, are within the true intent and meaning of the said Act; be it enacted and declared, That all devises by will made in such cases and for such purposes as by the said Act are hereinbefore described, are and shall be taken to be conveyances within the true intent and meaning of the said Act, as if the same had been therein specially mentioned: Provided always, that this Act shall not revoke or defeat or be construed to revoke or defeat any part of any will in which is comprised any devise or devises which is or are hereby declared void, other than or beyond the devise or devises made void by this Act.

Devises splitting interest in premises to enable persons to vote void.

10 Geo. 4, c. 7. An Act for the relief of His Majesty's Roman Catholic subjects. [13th April, 1829.]

2. It shall be lawful for persons professing the Roman Catholic religion to vote at elections of members to serve in Parliament for England and for Ireland.

Qualification of Roman Catholics.

Further words of this section, prescribing a particular form of oath, are repealed by the Promissory Oaths Act, 1871, 34 & 35 Vict. c. 48.

10 Geo. 4, c. 7.

Roman
Catholics.

This section, as it now stands, is declaratory of the law. Roman Catholics were never expressly and directly disqualified from voting as such, although they were very frequently debarred from voting by the enforcement of the law requiring as a condition precedent that oaths might be administered which Roman Catholics declined to take.

10 Geo. 4, c. 44.

10 Geo. 4, c. 44. [Metropolitan Police Act.]

No justice, receiver, policeman, &c. appointed under this Act, to vote.

Penalty £100.

Proviso.

18. And be it enacted, That no justice of the peace or receiver appointed by virtue of this Act shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons; and no justice, receiver, or person belonging to the police force, appointed by virtue of this Act, shall, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Middlesex, Surrey, Hertford, Essex, or Kent, or for any city or borough within the Metropolitan Police District, nor shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and if any such justice, receiver, or person belonging to the police force shall offend therein, he shall forfeit the sum of one hundred pounds, to be recovered, by any person who will sue for the same, by action of debt, to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the receiver appointed under this Act, to be by him added to and applied as part of the funds for the purposes of the police under this Act: Provided always, that nothing in this enactment contained shall subject any such justice, receiver, or person belonging to the police force to any penalty for any Act done by him at or concerning any of the said elections in the discharge of his official duty.

This section is still unrepealed, although 2 & 3 Vict. c. 71, s. 6, p. 28, *post*, which is in *pari materia*, though not so extensive, inasmuch as it did not apply to the counties of Hertford, Essex, or Kent, was repealed by 37 & 38 Vict. c. 23, p. 53, *post*. Inasmuch as this Act established the Metropolitan Police Force, and constituted the Metropolitan Police District (with powers of enlargement by Order in Council), all existing "persons belonging to the Police Force" would seem to be appointed under the Act, and therefore disfranchised by this section.

A disqualification attaches under 19 & 20 Vict. c. 2, s. 9, to Assistant Commissioners, and under 23 & 24 Vict. c. 135, s. 5, to officers of the Metropolitan Police employed in Her Majesty's yards and arsenals, or in the principal stations of the War Office, outside the Metropolitan District.

Only the magistrates sitting at Westminster were appointed under 10 Geo. 4, c. 44, and other Acts under which stipendiary magistrates are appointed, contain no disqualifying clauses.

2 Will. 4, c. 45.

2 Will. 4, c. 45.

THE REFORM ACT, 1832.

An Act to amend the Representation of the People in
England and Wales. [7th Jun., 1832.]

[1-17. See Part III., "Electoral Areas," *post.*]

18. No person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament, or in the election of a member or members to serve in any future Parliament for any city or town being a county of itself, in respect of any freehold lands or tenements whereof such person may be seised for his own life, or for the life of another, or for any lives whatsoever, except such person shall be in the actual and *bonâ fide* occupation of such lands or tenements, or except the same shall have come to such person by marriage, marriage settlement, devise, or promotion to any benefice or to any office, or except the same shall be of the clear yearly value of not less than *ten** pounds above all rents and charges payable out of or in respect of the same; any statute or usage to the contrary notwithstanding: Provided always, that nothing in this Act contained shall prevent any person now seised for his own life, or for the life of another, or for any lives whatsoever, or any freehold lands or tenements in respect of which he now has, or but for the passing of this Act might acquire, the right of voting in such respective elections, from retaining or acquiring, so long as he shall be so seised of the same lands or tenements, such right of voting in respect thereof, if duly registered according to the respective provisions hereinafter contained.

Limitation on
right of voting
for counties
in respect of
freeholds for
life.

* Now £5.

This section (which has no application to owners in fee simple) restricts the forty-shillings freehold qualification, established for counties by 8 Hen. 6, c. 7, *ante*, in cases where the holding is for a life or lives, to freeholds *either* (1) occupied by the holder; or (2) being of the value of £10. The £10 was reduced to £5 by s. 5 of the Act of 1867, p. 38, *post*.

Occupation.] A rent-charge cannot be occupied, and therefore if the holder hold it for life, it does not come within the exception for occupation, so that if below £5 it does not confer the vote: *Druitt v. Christ Church Overseers*, 12 Q. B. D. 365; 53 L. J. Q. 177; 32 W. R. 371; 1 Colt. 328. In the peculiar case of *Trenfield v. Lowe* (L. R. 4 C. P. 454; 38 L. J. C. P. 191), the rated holders of certain pastures were held to be "actual and *bonâ fide*" occupiers notwithstanding that limited rights of pasture thereon were by custom granted out annually to other persons.

Promotion to Office.] Neither "beadsmen" appointed for life under a trust deed, and receiving fifty shillings a year, but not liable to perform any duties (*Faulkner v. Boddington Overseers*, 27 L. J. C. P. 20; 3 C. B. (N.S.) 412; nor fellows of a college coming into a yearly sum charged on land (*West v. Robson*, 27 L. J. C. P. 262), come within these words.

Clear Yearly Value.] The required amount must be received, or receivable: *Astbury v. Lees*, 15 C. B. 251, by right: *Ashmore v. Lees*, 2 C. B. 31.

Above all Rents and Charges.] Compare the "above all charges" of 8 Hen. c. 7, *ante*. Public taxes are by s. 21 of this Act, *post*, not to be deemed "charges." Charges may be apportioned: *Barrow v. Buckmaster*, 12 C. B. 664; *Moore v. Carisbrooke Overseers*, 12 C. B. 661.

2 Will. 4, c. 45,
s. 20.

Chandos clause.

Right of voting
in counties ex-
tended to lease-
holders and oc-
cupiers of pre-
mises of certain
value above
charges.

[19. *Right of voting in counties extended to copyholders seised for an estate of the yearly value of £10.*—Repealed by Stat. Law Rev. Act, 1874, as being superseded by s. 5 of the Act of 1867, p. 62, *post.*]

20. Every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, *for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives, or not), of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same,* or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years (whether determinable on a life or lives, or not), of the clear yearly value of not less than fifty pounds over and above all rents and charges payable out of or in respect of the same, *or who shall occupy as tenant any lands or tenements for which he shall be bonâ fide liable to a yearly rent of not less than fifty pounds,* shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate: Provided always, that no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in such election in respect of any such term of sixty years or twenty years as aforesaid, unless he shall be in the actual occupation of the premises.

This, which is commonly known as the “Chandos Clause,” gives the qualification to leasees whether occupying or not, and to the occupying “£50 rental voter,” mentioned in s. 19 of the Registration Act, 1885, *post*, Part II.

The words firstly printed in italics are repealed by the Statute Law Revision Act, 1874, because the £10 qualification thereby given was reduced to £5 by s. 5 of the Act of 1867, p. 38, which repeats the qualification in the same words with the exception of the amount; and the words secondly printed in italics are repealed by s. 12 and Sched. 2 of the Act of 1884 (except as saved under s. 10 of that Act), because the £50 qualification thereby given is reduced to £10 by s. 5 of the Act of 1884, p. 62.

Entitled to Unexpired Residue.] It is not enough to be equitably entitled: *Gainsford v. Freeman*, L. R. 1 C. P. 129; 35 L. J. C. P. 92.

Occupy as Tenant.] Committee of a lunatic’s estate held not to be within these words in *Burton v. Langham*, 5 C. B. 92.

Yearly Rent.] This means a single rent, and rents of premises held under different landlords cannot be added together to make up the required amount: *Gadsby v. Barrow*, 8 Scott, N.S. 797; 7 M. & G. 21.

Full Age.] See 7 & 8 Will. 3, c. 25, *ante*, and s. 3 of the Act of 1867, *post*.

Legal Incapacity.] See note to s. 3 of the Act of 1867, p. 36, and s. 7 of the Ballot Act, 1872, *post*, Part V., “The Election.”

What not to
be deemed
charges.

21. No public or parliamentary tax, nor any church rate, county rate, or parochial rate, shall be deemed to be any discharge payable out of or in respect of any lands or tenements within the meaning of this Act.

This section in effect appears to repeat 18 Geo. 2, c. 18, s. 6, *ante*, but that section has been left unrepealed.

22. In order to entitle any person to vote in any election of a knight of the shire or other member to serve in any future Parliament, in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land tax; any statute to the contrary notwithstanding.

2 Will. 4, c. 45,
s. 22.

County voters
need not be
assessed to the
land tax.

The statutes to the contrary herein referred to are the now repealed s. 3 of 18 Geo. 2, c. 18, *ante*, and s. 1 of 20 Geo. 3, c. 17.

23. No person shall be allowed to have any vote in the election of a knight or knights of the shire for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but that the mortgagor or cestui que trust in possession shall and may vote for the same estate notwithstanding such mortgage or trust.

Trustees and
mortgagees.

This section repeats, but applies to counties alone, the provisions of 7 & 8 Will. 3, c. 25, s. 6, *ante*, repealed by the Statute Law Revision Act, 1867. The section is applied to boroughs by the amending s. 74 of the Parliamentary Registration Act, 1843, which see and note, p. 30, *post*.

24. Notwithstanding anything hereinbefore contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a freeholder in any house, warehouse, counting-house, shop, or other building occupied by himself, or in any land occupied by himself together with any house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately, or jointly with the land so occupied therewith, of such value as would, according to the provisions hereinafter contained, confer on him the right of voting for any city or borough, whether he shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

No person to
vote for a
county in re-
spect of any
freehold house,
&c., occupied
by himself,
which would
confer a vote
for a borough.

The provisions of this and the next section are repeated by s. 6 of the Act of 1884 in reference to the qualification thereby created.

The provisions hereinafter contained.] These provisions are those of s. 27, *post*, and by the important s. 59 of the Act of 1867, p. 45, they also include in this and the next section the provisions of that Act conferring rights to vote, so that a person possessing the dwelling-house qualification under s. 3 of that Act is not thereby entitled to a county vote, and loses the county qualification which he thereby possessed before the passing of that Act. *Chorlton v. Johnson, Bunting's Case*, L. R. 4 C. P. 426; 38 L. J. C. P. 37, decided on s. 25, but applicable to this section also.

The owner and occupier of a county qualification within a borough does not lose it by the fact of occupying, separately, house within the borough: *Capell v. Aston Overseers*, 8 C. B. 1. The law therefore of this section is that the same tenement cannot confer both qualifications, that if there be one tenement the county qualification is displaced by the borough qualification, the holder having no power to elect, but that two tenements separately occupied may confer the two qualifications. In *Beswick v. Alker*, L. R. 8 C. P. 265; 42 L. J. C. P. 26; 27 L. T. 422; 21 W. R. 72; 2 H. & C. 36, it was held that pew-rents were severable from a parsonage house, which conferred the borough qualification, so as to entitle the parson to a separate county vote in respect of the pew rents.

2 Will. 4, c. 45,
s. 25.

No county vote
in borough.

No person to
vote for a
county in re-
spect of certain
copyholds and
leaseholds in a
borough.

25. Notwithstanding anything hereinbefore contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a copyholder or customary tenant, or tenant in ancient demesne, holding by copy of court roll, or as such lessee or assignee, or as such tenant and occupier as aforesaid, in any house, warehouse, counting-house, shop, or other buildings, or in any land occupied together with a house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately, or jointly with the land so occupied therewith, of such value as would according to the provisions hereinafter contained confer on him or on any other person the right of voting for any city or borough, whether he or any other person shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

The provisions hereinafter contained.] For the application of these words by s. 59 of the Act of 1867 to the rights to vote under that Act, see note to last section.

On him or any other person.] The words "or any other person" do not occur in the last section, so that this section is more restrictive.

Where several houses are held, the holder does not lose the county vote in respect of those which are below the £10 value, by reason that one of them is up to the £10 value, *Webb v. Aston Overseers*, 5 M. & G. 14; 13 L. J. C. P. 90; but it was held before the Act of 1878, that if one house be let out to several tenants, each paying less than £10, there is one holding, and the county vote is lost. *Proctor v. Annison*, 29 L. J. C. P. 90; 7 C. B. (N.S.) 48; and s. 5 of the Act of 1878, p. 55, does not appear to alter the law; but see a contrary opinion as to this: *Davis on Registration*, p. 16.

Possession for
a certain time,
and registra-
tion, essential
to the right of
voting for a
county.

* Now 15th.

† s. 20.

Exception in
cases of pro-
perty coming
by descent, &c.

26. Notwithstanding anything hereinbefore contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament unless he shall have been duly registered according to the provisions hereinafter contained; and no person shall be so registered in any year in respect of his estate or interest in any lands or tenements, as a freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, for six calendar months at least next previous to the *last** day of July in such year, which said period of six calendar months shall be sufficient, any statute to the contrary notwithstanding; and no person shall be so registered in any year, in respect of any lands or tenements held by him as such lessee or assignee, or as such occupier and tenant as aforesaid,† unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, as the case may require, for twelve calendar months next previous to the last day of July in such year: Provided always, that where any lands or tenements, which would otherwise entitle the owner, holder, or occupier thereof to vote in any such election, shall come to any person, at any time within such respective periods of six or twelve calendar

months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled in respect thereof to have his name inserted as a voter in the election of a knight or knights of the shire in the lists then next to be made by virtue of this Act as hereinafter mentioned, and, upon his being duly registered according to the provisions hereinafter contained, to vote in such election.

2 Will. 4, c. 45,
s. 26.

This section reduces to six months prior to registration the twelve months possession prior to voting required for freeholders by 18 Geo. 2, c. 18, s. 5, *ante*, and 19 Geo. 2, c. 28, s. 4, *ante*.

Last day of July altered to 15th day of July by s. 12 of Act of 1885, p. 71.

Actual possession.] A curious distinction is drawn between possession by a conveyance of a rent-charge at common law and possession by a conveyance operating under the Statute of Uses, 27 Hen. 8, c. 10. If the conveyance be at common law (as to A. to the use of A.) the grantee has not possession until he has actually received part of the rent: *Murray v. Thorniley*, 2 C. B. 217; *Webster v. Ashton-under-Lyne Overseers*, L. R. 8 C. P. 281; 42 L. J. C. P. 38; 27 L. T. 652; 21 W. R. 171; 2 H. & C. 60: but if it operate by the statute (as to A. for the use of B.) the person to whose use it is granted has possession as soon as the grant is executed: *Heelis v. Blain*, 18 C. B. (N.S.) 90; 34 L. J. C. P. 88; 11 L. T. 480; 13 W. R. 262; *Webster v. Ashton-under-Lyne Overseers*, *Hadfield's Case*, L. R. 8 C. P. 306; 42 L. J. C. P. 146; 28 L. T. 901; 21 W. R. 637; *Lowcock v. Broughton Overseers*, 12 Q. B. D. 369; 53 L. J. Q. B. 144; 51 L. T. 399; 32 W. R. 247; 1 Colt. 335. In the latter case A. conveyed a rent-charge to B., C., and D., to hold unto B., C., and D., to the use of A., B., C., and D., in equal one-fourth shares as tenants in common.

Duly Registered.] The provisions of this Act as to registration were repealed and re-enacted with amendments by the Parliamentary Registration Act, 1843, 6 Vict. c. 18, *post*, Part II., "Registration of Electors."

In such year.] As to successive occupation, see s. 73 of the Parliamentary Registration Act, 1843, *post*.

27. In every city or borough which shall return a member or members to serve in any future Parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy, within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately, or jointly with any land within such city, borough, or place occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions hereinafter contained, be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough: Provided always, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last* day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such

Qualification
in boroughs of
occupiers of
houses, &c., of
value of £10
if registered.

No registration
of person not
rated.

* Now 15th.

2 Will. 4, c. 45,
s. 27.

£10 occupiers.

* 5th Jan.

† 15th July.

Residence.

person shall have paid, on or before the twentieth day of July in such year, all the Poor's Rates and Assessed Taxes which shall have become payable from him in respect of such premises previously to the sixth day of April* then next preceding : Provided also, that no such person shall be so registered in any year unless he shall have resided for six calendar months next previous to the last† day of July in such year within the city or borough, or within the place sharing in the election for the city or borough, in respect of which city, borough, or place respectively he shall be entitled to vote, or within seven statute miles thereof or of any part thereof.

This section is repealed by s. 12, and Sched. 2, Part II., of the Act of 1884, *post*, but the repeal is accompanied by two most important qualifications. First, the section is repealed "except in so far as relates to the rights of person saved" by that Act, i.e. by s. 10; and secondly, it is repealed "except in so far" as it contains "conditions made applicable" by that Act (see s. 5 of that Act) to any franchise enacted by that Act (see also s. 5 of that Act). The reason for the repeal is that the 6th section of the Act of 1867 gave a £12 occupation qualification only for counties, and the 5th section of the Act of 1884 has not only made the occupation qualification for counties uniform with that for boroughs, but has also re-enacted, for boroughs, the opening words of this section in somewhat different terms, so that although so much of the section as imposes a condition, e.g. the payment of rates, is kept up by s. 5 of the Act of 1884, so much of it as defines the qualification, e.g. the requirement of tenancy, which the "service franchise" under s. 3 of the Act of 1884 dispenses with, is displaced.

Full age, &c.] See s. 3 of the Act of 1867, and notes, *post*.

As Tenant.] These words excluded persons occupying as servants if required to occupy for the purpose of the service, but not otherwise: *Hughes v. Chatham Overseers*, 5 M. & G. 54; *Fox v. Dalby*, L. R. 10 C. P. 285; but the establishment of the "service franchise" by s. 3 of the Act of 1884 does away with this distinction.

House, warehouse, &c.] These words, by s. 5 of the Parliamentary and Municipal Registration Act, 1878, 41 Vict. c. 26, p. 55, include part of a house, warehouse, &c. Prior to that Act much difficulty had arisen in defining the words "house" and "building," but the result of the cases appears to have been that the occupation of part of a house only conferred the qualification in a case only where such part was structurally severed from the rest: *Cook v. Humber*, 11 C. B. (N.S.) 733; 3 L. J. C. P. 73. A substituted expression of the qualification in s. 5 of the Act of 1884 is "land or tenement," which by s. 11 of that Act includes "any part of a house separately occupied for the purpose of any trade, business, or profession."

"Building" in the present section includes a cowhouse: *Whitmore v. Wenlock Town Clerk*, 5 M. & G. 9; a quite separate room in a factory: *Wright v. Stockport Town Clerk*, 5 M. & G. 33; and a shed used for storing: *Powell v. Farmer*, 18 C. B. (N.S.) 168. The building must be of some permanence and value, but if held with land, though the value be trifling, it is sufficient to qualify, if it adds to the *bonâ fide* value of the whole: *Norrish v. Harris*, L. R. 1 C. P. 155; 35 L. J. C. P. 101. A counting-house need not be structurally severed from the house of which it forms a part: *Piercy v. Maclean*, L. R. 5 C. P. 252; 39 L. J. C. P. 115; 21 L. T. 213; 18 W. R. 132; 1 H. & C. 371.

Jointly with any land; tenant under the same landlord.] A question of some difficulty arises whether either of these expressions is a definition of the qualification, or whether it imposes a "condition" within the meaning of s. 5 of the Act of 1884. The definitions (see *supra*) appear to be repealed by s. 12 of the Act of 1884, while the conditions are expressly and clearly kept up by that section. On the whole, it is conceived that both expressions are by way of definition only, and are therefore included in the repeal of s. 27

by s. 12 of the Act of 1884, so that qualifications not properly forming one house or building, or occupied under the same landlord, may be joined together to make up the required amount—thus doing away with the effect of *Dewhurst v. Fielden*, 7 M. & G. 182. 2 Will. 4, c. 45,
s. 27.

Duly registered.] See the Acts as to registration, superseding the provisions of this Act, *post*, Part II., p. 74, "Registration of Electors."

Shall have been rated.] As to claim to be rated, see s. 30, *post*; as to result of rating of owners instead of occupiers, see 32 & 33 Vict. c. 41, p. 46.

Shall have paid.] By s. 49 of the Act of 1867, *post*, corrupt payment by a person other than the ratepayer is punishable as bribery. The non-payment of a void rate does not disqualify: *Fox v. Davies*, 6 C. B. 11.

Assessed taxes.] Assessed taxes are such taxes as vary in amount in proportion to the value of the property in respect of which they are imposed, as the property tax, the house tax, and the land tax. As to property tax, however, it is specially provided by s. 184 of 5 & 6 Vict. c. 35 (p. 29, *post*), that non-payment thereof shall not disqualify.

Last day of July.] "Last" was altered to "fifteenth" day by s. 7 of the Parliamentary and Municipal Registration Act, 1878, *post*.

Sixth day of April.] Altered to 5th January by 11 & 12 Vict. c. 90, *post*.

Unless he shall have resided.] See also s. 31 and s. 33. The residence need not be continuous, nor need it be by the party himself; but if it be quitted, or if his family or servants only be resident for a part of the time, there must be a *bonâ fide* intention on his part to return: *Whitehorn v. Thomas*, 7 M. & G. 1. A clergyman who exchanges duties and residences with another clergyman breaks his residence: *Ford v. Pye*, L. R. 9. C. P. 269; 43 L. J. C. P. 21; 29 L. T. 584; 22 W. R. 159; 2 H. & C. 157; and so does a rector who remains abroad under a licence of non-residence: *Durant v. Carter*, L. R. 9 C. P. 261; 43 L. J. C. P. 17; 2 H. & C. 142; and a man detained in a gaol more than seven miles from the borough under a sentence of imprisonment without the option of a fine: *Powell v. Guest*, 18 C. B. (N.S.) 72; 38 L. J. C. P. 69.

The relaxation under 41 Vict. c. 3 (p. 54, *post*), applies to s. 3 of the Act of 1867 only.

Within seven miles.] As to measurement of distance, see s. 76 of the Parliamentary Registration Act, 1843, *post*.

The "seven miles" is altered to twenty-five miles in the case of the city of London by s. 46 of the Act of 1867, p. 43.

28. The premises in respect of the occupation of which any person shall be entitled to be registered in any year, and to vote in the election for any city or borough as aforesaid, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person during the twelve calendar months next previous to the *last* * Premises occupied in succession.
* Now 15th. day of July in such year, such person having paid, on or before the twentieth day of July in such year, all the Poor's Rates and Assessed Taxes which shall previously to the sixth day of April † then next preceding have become payable from him in respect of all such premises so occupied by him in succession. † Now 5th January.

"Last" altered to fifteenth by s. 7 of the Act of 1878, *post*, and 6th April to 5th January by 11 & 12 Vict. c. 90, *post*.

29. Where any premises as aforesaid, in any such city or borough, or in any place sharing in the election therewith, shall be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers shall, subject to the Joint occupiers.

2 Will. 4, c. 45,
s. 29.

Joint occupiers.

conditions hereinbefore contained as to persons occupying premises in any such city, borough, or place, be entitled to vote in the election for such city or borough, in respect of the premises so jointly occupied, in case the clear yearly value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give a sum of not less than ten pounds for each and every such occupier, but not otherwise.

This impliedly repeals a part of 7 & 8 Will. 3, c. 25, s. 6, *ante*. See further s. 4, subs. 2 of the Act of 1884, p. 60, *post*, and note.

Occupiers may
demand to be
rated.

30. In every city or borough which shall return a member or members to serve in any future Parliament, and in every place sharing in the election for such city or borough, it shall be lawful for any person occupying any house, warehouse, counting-house, shop, or other building, either separately, or jointly with any land occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, in any parish or township in which there shall be a rate for the relief of the poor, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being; and in case such overseers shall neglect or refuse so to do, such occupier shall nevertheless for the purposes of this Act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: *Provided always, that where by virtue of any Act of Parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord; but that in case the tenant who shall have been rated for such premises in consequence of any such claim as aforesaid shall make default in the payment of the Poor's Rate due in respect thereof, such landlord shall be and remain liable for the payment thereof in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.*

The whole of this section is extended to counties by s. 30 of the Parliamentary Electors Registration Act, 1868, 31 & 32 Vict. c. 58, *post*, but the proviso printed in italics is repealed by the Statute Law Revision Act, 1874, as having been impliedly repealed by s. 7 of the Act of 1867, *post*.

Freeholders
voting for cities
and towns
being counties
of themselves.

31. In every city or town being a county of itself, in the election for which freeholders or burgage tenants, either with or without any superadded qualification, now have a right to vote, every such freeholder or burgage tenant shall be entitled

to vote in the election of a member or members to serve in all future Parliaments for such city or town, provided he shall be duly registered according to the provisions hereinafter contained; but that no such person shall be so registered in any year in respect of any freehold or burgage tenement, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof, for his own use, for twelve calendar months next previous to the *last* * day of July in such year (except where the same shall have come to him, at any time within such twelve months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or to any office), nor unless he shall have resided for six calendar months next previous to the *last* † day of July in such year within such city or town, or within seven statute miles thereof or of any part thereof: Provided always, that nothing in this enactment contained shall be deemed to vary or abridge the provisions hereinbefore made relative to the right of voting for any city or town being a county of itself, in respect of any freehold for life or lives: Provided also, that every freehold or burgage tenement which may be situate without the present limits of any such city or town being a county of itself, but within the limits of such city or town, as the same shall be settled and described by the Act to be passed for that purpose as hereinbefore mentioned, shall confer the right of voting in the election of a member or members to serve in any future Parliament for such city or town in the same manner as if such freehold or burgage tenement were situate within the present limits thereof.

2 Will. 4, c. 45,
s. 31.

* Now 15th.

Residence.

† Now 15th.

To extend to
freeholds
within the new
boundaries.

"Last" altered to fifteenth day of July by s. 7 of the Parliamentary and Municipal Registration Act, 1878, p. 56. As to measurement of the seven miles, see s. 76 of the Parliamentary Registration Act, 1843, *post*.

See also as to the electors dealt with by this section, the Act 19 Geo. 2, c. 28, ss. 4, 5, and 13, *ante*.

Unless he shall have resided.] See also ss. 29 and 33. An articulated clerk, articulated to a London solicitor, who had had a bedroom kept for his exclusive use at his father's house in Exeter, and who was absent under his articles during part of the six months, was held to have broken his residence because his articles were deemed to prevent him from being at liberty to return when he pleased: *Ford v. Drew*, 5 C. P. D. 59; 49 L. J. C. P. 172; 41 L. T. 478; 28 W. R. 137.

32. Every person who would have been entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough not included in the schedule marked (A.) to this Act annexed, either as a burgess or freeman or in the city of London as a freeman and liveryman, if this Act had not been passed, shall be entitled to vote in such election, provided such person shall be duly registered according to the provisions hereinafter contained; but no such person shall be so registered in any year, unless he shall, on the *last* † day of July in such year, be qualified in such manner as would entitle him then to vote if such day were the day of election,

Freemen not
to vote in
boroughs, un-
less resident,
&c.

† Now 15th.

2 Will. 4, c. 45,
s. 32.

Freemen.

Residence.

* Now 15th.

Exclusion of
freemen
created since
1831.

Exception.

Freemen of
Swansea,
Loughor,
Neath, Aber-
avon, and
Kenfig.

and this Act had not been passed, nor unless, where he shall be a burgess or freeman or freeman and liveryman of any city or borough, he shall have resided for six calendar months next previous to the last day of July in such year within such city or borough, or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken, nor unless, where he shall be a burgess or freeman of any place sharing in the election for any city or borough, he shall have resided for six calendar months next previous to the *last* * day of July in such year within such respective place so sharing as aforesaid or within seven statute miles of the place mentioned in conjunction with such respective place so sharing as aforesaid and named in the second column of the schedule marked (E. 2) to this Act annexed: Provided always, that no person who shall have been elected, made, or admitted a burgess or freeman since the first day of March one thousand eight hundred and thirty-one, otherwise than in respect of birth or servitude, or who shall hereafter be elected, made, or admitted a burgess or freeman, otherwise than in respect of birth or servitude, shall be entitled to vote as such in any such election for any city or borough as aforesaid, or to be so registered as aforesaid: Provided also, that no person shall be so entitled as a burgess or freeman in respect of birth unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted a burgess or freeman previously to the first day of March in the year one thousand eight hundred and thirty-one, or from or through some person who since that time shall have become or shall hereafter become a burgess or freeman in respect of servitude: Provided also, that every person who would have been entitled, if this Act had not been passed, to vote as a burgess or freeman of Swansea, Loughor, Neath, Aberavon, or Kenfig, in the election of a member to serve in any future Parliament for the borough of Cardiff, shall cease to vote in such election, and shall instead thereof be entitled to vote as such burgess or freeman in the election of a member to serve in all future Parliaments for the borough composed of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig, subject always to the provisions hereinbefore contained with regard to a burgess or freeman of any place sharing in the election for any city or borough.

"Last day" of July altered to 15th day of July by s. 7 of the Parliamentary and Municipal Registration Act, *post*. The proviso excluding freemen created since March 1831, does not apply in the city of London: *Croucher v. Browne*, 2 O. B. 97. Where freemen by birth were entitled to vote before the Act, the right is preserved, not only to those whose fathers were entitled to their freedom before 1831, but to the lineal descendants of all persons entitled to their freedom before the 1st of March, 1831: *Gaydon v. Pencraft*, 18 C. B. (N.S.) 11; 34 L. J. C. P. 53; 11 L. T. 483; 13 W. R. 267.

Unless he shall have resided.] See also ss. 27, 31, and 33, and notes.

The seven miles is altered to twenty-five in the case of London by s. 46 of the Act of 1867, p. 43.

An officer in the army, serving with his regiment, who when he obtained leave of absence lived in his mother's house in apartments reserved for his use, and had no other home, was held to be subject to the will and pleasure of the Crown as to residence, and therefore not capable of acquiring a constructive residence so as to be qualified under this section: *Ford v. Hart*, L. R. 9 C. P. 273; 43 L. J. O. P. 24; 29 L. T. 685; 22 W. R. 159; 2 H. & O. 167.

2 Will. 4, c. 45,
ss. 32, 33.

33. No person shall be entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough, save and except in respect of some right conferred by this Act, or as a burgess or freeman, or as a freeman and liveryman, or, in the case of a city or town being a county of itself, as a freeholder or burgage tenant, as hereinbefore mentioned: Provided always, that every person now having a right to vote in the election for any city or borough (except those enumerated in the said Schedule (A.) in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or, in the case of a city or town being a county of itself, as a freeholder or burgage tenant, as hereinbefore mentioned, shall retain such right of voting so long as he shall be qualified as an elector according to the usages and customs of such city or borough or any law now in force, and such person shall be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough, if duly registered according to the provisions hereinafter contained; but that no such person shall be so registered in any year unless he shall, on the last day of July in such year, be qualified as such elector, in such manner as would entitle him then to vote if such day were the day of election and this Act had not been passed, nor unless such person, where his qualification shall be in any city or borough, shall have resided for six calendar months next previous to the last day of July in such year within such city or borough, or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken, nor unless such person, where his qualification shall be within any place sharing in the election for any city or borough, shall have resided for six calendar months next previous to the last day of July in such year within such respective place so sharing as aforesaid, or within seven statute miles of the place mentioned in conjunction with such respective place so sharing as aforesaid, and named in the second column of the Schedule marked (E. 2) to this Act annexed: *Provided nevertheless, that every such person shall for ever cease to enjoy such right of voting for any such city or borough as aforesaid if his name shall have been omitted for two successive years from the register of such voters for such city or borough hereinafter directed to be made, unless he shall have been so omitted in consequence of his having received parochial relief within twelve calendar months next previous to the last day of July in any year, or in consequence of his absence on the naval or military service of his Majesty.*

Reservation of
other rights of
voting in
boroughs.

Residence, &c.,
required.

2 Will. 4, c. 45,
s. 33.

*Reserved
Rights.*

Every person now having a right.] The “now” is the 7th of June, 1832, the date of the passing of the Act, so that as the persons whose rights are saved must have been at least twenty-one years of age then, very few would be living now (1885).

The said Schedule A.]] Schedule A. (p. 249), contained the boroughs which, by virtue of this Act, ceased to return members.

Any law now in force.] See as to potwallers, &c., 26 Geo. 3, c. 100, p. 9, *ante*. The last proviso of this section is repealed by the Statute Law Revision Act, 1874, as having been rendered unnecessary by s. 78 of the Act of 1843, *post*. The qualification under this section must be retained continuously, or it is lost: *Jeffrey v. Kitchener*, 7 M. & G. 99; but it is not lost by mere non-payment of rates: *Hicks v. Field*, 4 C. B. 63.

Shall have resided.] See ss. 31 and 32, and notes, *supra*.

No qualification by occupation as owner or tenant being expressly required by this section, it has been held that any actual residence is sufficient, and that a man who had for two months lived with his wife and child in a room in a cottage allotted to the wife's mother by the trustees of a charity, the rules of which prohibited the inmates from taking in strangers, did not break his residence: *Beal v. Ford*, 3 C. P. D. 73; 47 L. J. C. P. 56; 37 L. T. 408; 2 H. & C. 374.

Provision as to
persons now
entitled to vote
for New Shore-
ham, Cricklade,
Aylesbury, or
East Retford
in respect of
freeholds.

34. And be it enacted, That every person now having a right to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, in respect of any freehold, wheresoever the same may be situate, shall retain such right of voting, subject always to the same provisions as are hereinbefore mentioned with regard to persons whose right of voting for any borough is saved and reserved by this Act, save and except that such persons now having a right to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, shall not be registered in any year unless they shall have resided for six calendar months next previous to the last day of July in such year within the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, as defined by this Act, or within seven statute miles of such respective borough or of any part thereof; and that for the purpose of the registration hereinafter required all persons now having a right to vote for the borough of New Shoreham in respect of any freeholds which may be situate in the borough of Horsham, or for the borough of Cricklade in respect of any freeholds which may be situate in the borough of Malmsbury, as such boroughs of Horsham or Malmsbury may respectively be defined by the Act to be passed for that purpose as hereinbefore mentioned, shall be inserted in the list of voters hereinafter directed to be made by the overseers of that parish or township within the borough of New Shoreham or the borough of Cricklade respectively, as defined by this Act, which shall be next adjoining to the parish or township in which such freeholds shall respectively be situate; and if the parish or township in which any such freeholds shall be situate shall adjoin two or more parishes or townships within either of the said boroughs of New Shoreham or Cricklade, the persons so having a right to vote in respect of such freeholds shall be

inserted in the list of voters to be made by the overseers of the least populous of such adjoining parishes or townships, according to the last census for the time being.

2 Will. 4, c. 45,
ss. 35, 36.

35. Provided nevertheless, and be it enacted, That notwithstanding any thing hereinbefore contained no person shall be entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough (other than a city or town being a county of itself, in the election for which freeholders or burgage tenants have a right to vote as hereinbefore mentioned), in respect of any estate or interest in any burgage tenement or freehold which shall have been acquired by such person since the first day of March one thousand eight hundred and thirty-one, unless the same shall have come to or been acquired by such person, since that day, and previously to the passing of this Act, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office.

Exclusion of
certain rights
of voting in
boroughs
acquired since
the 1st of
March 1831.

36. No person shall be entitled to be registered in any year as a voter in the election of a member or members to serve in any future Parliament for any city or borough who shall within twelve calendar months next previous to the *last** day of July in such year have received parochial relief or other alms which by the law of Parliament now disqualify from voting in the election of members to serve in Parliament.

Disqualifica-
tion by paro-
chial relief.

* Now 15th.

This section is extended to counties by s. 40 of the Act of 1867, p. 43, *post*.

For statutory obligation on overseers to omit from lists persons disqualified by relief, see s. 40 of the Act of 1867, and for directions in precept accordingly, see Registration Act, 1885, Sched. 3, para. 16 and 29, p. 213 (repeating similar para. 16 and 31 as to counties in Sched. 2, p. 183), and for power of any person registered as a voter to require information as to such persons, see s. 16 of that Act, p. 175. For supply of list of such persons by relieving officer to overseers in parliamentary boroughs, see s. 12 of Parliamentary and Municipal Registration Act, 1878, and for penalty on overseers inserting names of persons not qualified, see s. 51 of Parliamentary Registration Act, 1843, p. 101. The revising barrister has no power to expunge the names under s. 28, subs. 7 of that Act: *Hayward v. Scott*, 5 C. P. D. 231; and cannot expunge them unless they have been objected to.

Relief by vaccination (30 & 31 Vict. c. 84, s. 26, p. 34), or from School Board fees (39 & 40 Vict. c. 79, s. 10, p. 54), or in the metropolis by admission into a hospital on the ground of infectious disease (46 & 47 Vict. c. 35, s. 7, p. 57) is no disqualification.

If persons disqualified by relief are once put on the register, their votes cannot be struck off on a scrutiny: *Stowe v. Jolliffe*, L. R. 9 C. P. 734, and p. 436, *post*.

Last day of July.] This is altered to 15th day of July by s. 7 of the Parliamentary and Municipal Registration Act as to boroughs, and as to counties by s. 12 of the Registration Act, 1885.

Relief to Family.] It is enacted, though without any express reference to disqualification for franchises, and perhaps with reference to the law of settlement and removal only, by s. 56 of the Poor Law Amendment Act, 1834, 4 & 5 Will. 4, c. 76, that—

“All relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind or deaf or dumb,

2 Will. 4, c. 45,
s. 36.

*Disqualifica-
tion by paro-
chial relief.*

shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be."

Both before and after this enactment both election committees and election judges appear to have acted upon the principle of it, and treated relief to a man's family as disqualifying relief to himself: *Heywood*, 272, citing *The Gloucestershire Case*; *The Bewdley Case*, 1 O'M. & H. 176, per Blackburn, J., *The Petersfield Case*, 2 O'M. & H. 96, per Mellor, J.; in which cases the wife appears to have acted as agent of the husband to procure the relief.

Excuse for Poverty.] Being excused on the ground of poverty under 54 Geo. 3, c. 170, s. 11, from paying a poor rate is no disqualification: *Mashiter v. Dunn*, 6 C. B. 30; nor is the contribution, by agreement with guardians, towards a father's maintenance: *Trotter v. Trevor*, 32 L. J. C. P. 59; 13 C. B. (N.S.) 48; K. & G. 531; 7 L. T. 768.

Relief to Children born before Marriage.] By s. 57 of 4 & 5 Will. 4, c. 76, it is enacted that—

"Every man who shall marry a woman having a child or children at the time of such marriage, whether such children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his own family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children; and such child or children shall, for the purposes of this Act, be deemed a part of such husband's family accordingly."

Relief by way of Loan.] By s. 58 of the same Act it is enacted that—

"Any relief, or the cost price thereof, which shall be given to or on account of any poor person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, and which the said commissioners [the Poor Law Commissioners now replaced by the Local Government Board] shall by any rule, order, or regulation, declare or direct to be given or considered as given by way of loan, and whether any receipt for such relief or engagement to repay the same, or the cost price thereof, or any part thereof, shall have been given or not by the person to or on account of whom the same shall have been so given, shall be considered, and the same is hereby declared to be a loan to such poor person."

Relief given by way of loan would seem not to disqualify: see *The Oldham Case*, 1 O'Malley and Hardcastle, 161.

Medical Relief.] Parochial relief by way of medicine has always been considered by the common law of Parliament to disqualify. See *The Bewdley Case* and *The Petersfield Case*, *supra*; and see also *The Colchester Case*, 1 Peckwell, 508, in which attendance, at the request of the voter, upon a wife lying-in was held to disqualify. But in *The Colchester Case*, *The Oricklade Case*, 2 Luders, 364, and *The Cirencester Case*, 2 Fraser, 453, it was held that medical relief given in extraordinary cases, as on occasion of accident, in *The Colchester Case*, and on occasion of small-pox, in *The Oricklade Case* and *The Cirencester Case*, did not disqualify.

By the Medical Relief Disqualification Removal Act, 1885, however (p. 73, *post*), it is enacted that medical relief shall no longer disqualify.

Other Alms.] The alms, to disqualify, need not be parochial or distributed by the overseers or other parochial authorities: *Harrison v. Carter*, 2 C. P. D. 26; 46 L. J. C. P. 57; 33 L. T. 511; 26 W. R. 182; 2 H. & C. 324. If the fund be one in which the party is legally entitled to participate, he is not disqualified: *Smith v. Hale*, 15 C. B. (N.S.) 485; 33 L. J. C. P. 59; but if it be a fund distributable by trustees at discretion, and his indigence is his only claim thereto, he is: *Harrison v. Carter*, *supra*. It is only disqualification by parochial relief, and not disqualification by the "other alms," that comes within the cognizance of the overseers under the terms of s. 40 of the Act of 1867, and similar enactments referred to above.

Law of Parliament.] This means the law as laid down by election committees prior to 1832. What that law is, it is difficult to discover. The decisions have been so conflicting that it is not easy to extract a principle from them further than this, that voters were not disqualified by the receipt of alms unless they were in a state of complete indigence and dependence, and that they were disqualified if they were in that condition: *Harrison v. Carter*, per Lord Coleridge, C.J., 5 C. P. D., at p. 36.

2 Will. 4, c. 45,
s. 36.

[37–57. *Preparation by overseers of lists of persons entitled to vote. Revision of lists by revising barrister.*—Repealed and superseded by the Parliamentary Registration Act, 1843 (p. 74, *post*). See s. 1 of that Act.]

[58. *Inquiry at election as to identity of voter.*—Repealed by s. 80 of the Parliamentary Registration Act, 1843, and superseded by s. 81, *et seq.*, of that Act.]

[59, 60. *Persons excluded from the register by the barrister may tender their votes at elections. Tender to be recorded. Correctness of the register to be questionable before a Committee of the House of Commons.*—Repealed by Ballot Act, 1872.]

[61–74. For such of these sections as are still unrepealed, see Part V., “The Election,” *post*.]

75. All laws, statutes, and usages now in force respecting the election of members to serve in Parliament for that part of the United Kingdom called England and Wales shall be and remain, and are hereby declared to be and remain, in full force, and shall apply to the election of members to serve in Parliament for all the counties, ridings, parts, and divisions of counties, cities and boroughs, hereby empowered to return members, as fully and effectually as if the same respectively had heretofore returned members, except so far as any of the said laws, statutes, or usages are repealed or altered by this Act, or are inconsistent with the provisions thereof.

All election laws to remain in force except where superseded by this Act.

[76, 77. See Part V., *post*.]

78. *Provided always, and be it enacted, That nothing in this Act contained shall extend to or in anywise affect the election of members to serve in Parliament for the Universities of Oxford or Cambridge, or shall entitle any person to vote in the election of members to serve in Parliament for the city of Oxford or town of Cambridge in respect of the occupation of any chambers or premises in any of the colleges or halls of the Universities of Oxford or Cambridge.*

Act not to extend to Universities of Oxford and Cambridge.

This section is repealed by s. 15 of the Registration Act, 1885. See that section and note, p. 71, *post*.

79. And be it enacted, That throughout this Act, wherever the words “City or Borough,” “Cities or Boroughs,” may occur, those words shall be construed to include, except there be something in the subject or context manifestly repugnant to such construction, all towns corporate, cinque ports, districts, or places within England and Wales which shall be entitled after this Act shall have passed to return a member or members to serve in Parliament, other than counties at large, and ridings,

Meaning of “City or Borough.”

2 Will. 4, c. 45,
s. 79.

parts, and divisions of counties at large, and shall also include the town of Berwick-upon-Tweed.

[For the remainder of this section containing definitions of "Returning Officer," "Parish or Township," "Overseers and Justices," see Part V., *post*.

2 & 3 Vict.
c. 71.

2 & 3 Vict. c. 71. Metropolitan Police Act.

*No magistrate
or officer of
Me'tropolitan
Police to vote.*

3. And be it enacted, That none of the said magistrates, clerks, ushers, door-keepers, or messengers appointed by virtue of this Act shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Middlesex or Surrey, or for the city of London, or for the city and liberty of Westminster, the borough of the Tower Hamlets, the borough of Finsbury, the borough of Mary-le-bone, in the county of Middlesex, or for the borough of Southwark or the borough of Lambeth in the county of Surrey, or the borough of Greenwich in the county of Kent respectively; nor shall he by word, message, writing, or in any other manner endeavour to persuade any elector to give or to dissuade any elector from giving his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and every such magistrate, clerk, usher, door-keeper, or messenger offending therein shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, and the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed, to be recovered by any person that shall sue for the same in any of her Majesty's Courts of Record at Westminster within the space of one year after such offence committed: Provided nevertheless, that nothing in this Act contained shall extend to subject any such magistrate, clerk, usher, door-keeper, or messenger to any penalty for any act done by him at or concerning any of the said elections in the discharge of his duty.

This section, but this section only, is repealed by 37 & 38 Vict. c. 22 (p. 54, *post*), but the similar and more extensive 10 Geo. 4, c. 44, s. 18 (p. 12, *ante*), remains unrepealed, as also does 2 & 3 Vict. c. xciv., s. 7, relating to the city of London Police.

2 & 3 Vict.
c. 93.

2 & 3 Vict. c. 93. An Act for the establishment of County and District Constables by the authority of Justices of the Peace. [27th August, 1839.]

*County con-
stables dis-
qualified from
voting.*

9. And be it enacted, That no chief constable or other constable appointed by virtue of this Act shall, during the time he shall continue to be such constable, or within six calendar months after he shall have ceased to be such constable, be capable of giving his vote for the election of a member to serve in Parliament

for the county of which he is so appointed, or for any county adjoining thereunto, or for any city or borough within any of the said counties; nor shall any such constable, by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and if any such constable shall offend therein he shall forfeit the sum of twenty pounds, to be recovered by any person who will sue for the same by action of debt, to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the treasurer of the county, to be by him applied for the purposes of the police under this Act: Provided always, that nothing in this enactment contained shall subject any constable to any penalty for any act done by him at or concerning any of the said elections in the discharge of his duty.

2 & 3 Vict.
c. 93.

Penalty.

For disqualification of borough constables, see 19 & 20 Vict. c. 69, s. 9, *post*.

5 & 6 Vict. c. 35. Property Tax Act, 1842.

184. No neglect or omission to pay, within any limited period, the duties assessed under the authority of this Act in respect of any house or other building shall prevent any person from being admitted or retained on the register or list of persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough, or from voting at any such election.

Non-payment
of property
tax no dis-
qualification.

For disqualification by non-payment of assessed taxes generally, to which this section creates an exception, see s. 27 of the Reform Act, 1832, *ante*. The disqualification attaches only in the case of the £10 residential franchise established by that section.

6 Vict. c. 18. Parliamentary Registration Act, 1843.

6 Vict. c. 18.

[For sections of this Act as to registration, see *post*, Part II., "Registration of Electors," and for sections as to personation, see *post*, Part V., "The Election."]

73. And whereas by the said first-recited Act it is enacted, that "every male person of full age, and not subject to any legal incapacity, who shall occupy as tenant any lands or tenement for which he shall be *bonâ fide* liable to a yearly rent of not less than fifty pounds, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts or division of a county in which such lands or tenements shall be respectively situate:" And whereas it is also thereby enacted, that "no person shall be so registered in any year in respect of any lands

Right of voting
in counties by
occupiers of not
less than £50.

6 Vict. c. 18,
s. 73.

Successive
occupation of
fifty pounds
rental voter in
counties.

* Now 15th.

Joint
occupation.

and tenements held by him as such occupier and tenant as aforesaid unless he shall have been in the actual possession thereof for twelve calendar months next previous to the last day of July in such year :” Be it declared and enacted, That the lands and tenements in respect of the occupation of which at a yearly rent of not less than fifty pounds any person shall be so entitled to be registered in any year, and to vote in the election of a knight or knights of the shire as aforesaid, shall not be required to be the same lands and tenements, but may be different lands and tenements, rented and occupied as aforesaid in immediate succession by such person during the twelve calendar months next previous to the *last* * day of July in such year; and that where any such lands and tenements shall be jointly rented and occupied by more persons than one, each of such joint occupiers shall be entitled to be registered and vote in such election as last aforesaid in respect of the lands and tenements so jointly rented and occupied, in case the yearly rent for which they shall be *bond fide* liable in respect of such lands and tenements shall be of an amount which, when divided by the number of such occupiers, shall give a *bond fide* rent of not less than fifty pounds for each and every such occupier, but not otherwise.

“The said first recited Act” is the Reform Act, 1832, and the sections herein referred to are ss. 20 and 26. The object and effect of this section is to assimilate successive and joint occupation rights for counties to those conferred by ss. 28 and 29 of the Reform Act, 1832, for boroughs.

“Last day of July” altered to 15th day of July by s. 12 of the Registration Act, 1885, p. 71.

As to joint occupation, see further, s. 4, subs. 2, of the Act of 1884, and note, p. 61.

A person who occupies as sole tenant at a rent of less than £50, and also as tenant with another at a rent of less than £50 for each, is not qualified by this section though both tenancies are under the same landlord and the share of the joint tenancy rent added to the sole tenancy rent exceeds the £50 : *Smith v. Foreman*, 34 L. J. C. P. 93.

Trust and
mortgage
estates.

† p. 15.

‡ p. 16.

74. And whereas by the said first-recited Act it is enacted,† “that no person shall be allowed to have any vote in the election of a knight or knights of the shire, for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but that the mortgagor or cestui que trust in possession shall and may vote for the same, notwithstanding such mortgage or trust :” And whereas it is also thereby enacted ‡ “that no person shall be registered in any year in respect of his estate or interest in any lands or tenements as freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall be in actual possession, or in receipt of the rents and profits thereof to his own use for six calendar months at least previous to the last day of July in such year :” And whereas doubts have arisen as to the true intent and meaning of the said first-mentioned enactment in certain cases : Be it therefore

6 Vict. c. 18,
s. 74.

declared and enacted, That no mortgagee of any lands or tenements shall have any vote in the election of a knight or knights of the shire, or in the election of a member or members to serve in any future Parliament for any city or borough in which freeholders now have a right to vote, for or by reason of any mortgage estate therein, unless he be in the actual possession or receipt of the rents and profits thereof, but that the mortgagor in actual possession or in receipt of the rents and profits thereof shall and may vote for the same, notwithstanding such mortgage; and that no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but that the cestui que trust in actual possession or in the receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same, notwithstanding such trust.

This section, which applies equally to counties and boroughs, re-enacts with an amendment part of 7 & 8 Will. 3, c. 25, s. 6 (p. 4, *ante*), which also applied equally to counties and boroughs, and s. 23 of the Reform Act, 1832, which applied to boroughs only. The main effect of the section is to take away from a trustee in possession the right to vote in any case, and to give such right to a cestui que trust being in actual or constructive possession.

No mortgagee shall have any vote.] The mortgagor cannot acquire a vote unless the property be worth the qualifying amount, if a qualifying amount be required above all charges, including the interest on the mortgage, be deducted. See *Lee v. Hutchinson*, 8 C. B. 10, and other cases cited in the notes to 8 Hen. 6, c. 7, and s. 18 of the Act of 1832, *ante*.

No trustee shall have a right to vote.] Where land is sold, the vendor is in law a trustee for the purchaser; but as this section makes actual or constructive possession a condition precedent to a cestui que trust acquiring the right to vote, it has been held that a purchaser, unless he be in possession or in receipt of rents, does not acquire the right until conveyance executed: *Anelay v. Lewis*, 25 L. J. C. P. 121; 17 C. B. 316; and it is submitted that s. 25, subs. 11 of the Judicature Act, 1873, notwithstanding the construction put upon it by Jessel, M.R., 21 Ch. D. 9, has made no difference in this respect, though the point cannot be said to be free from doubt.

Dissenting Ministers.] A dissenting minister appears to be qualified under this section by a house which he is permitted to enjoy *during his life* and so long as he shall continue minister: *Burton v. Brooks*, 21 L. J. C. P. 7; 11 C. B. 41; but not if the enjoyment is to be during his ministry only: *Collier v. King*, 31 L. J. C. P. 80; but questions of this kind are mainly questions of fact depending upon the duration of the appointment of the minister, per Erle, C.J., *ib*.

Hospitals.] Inmates of hospitals appear to be qualified under this section if the lands be conveyed to trustees in trust for them: *Roberts v. Percival*, 34 L. J. C. P. 84; or the occupation be by user for life: *Simpson v. Wilkinson*, 7 M. & G. 50; but not, if their share of the funds may be varied at the discretion of trustees to an amount insufficient to qualify: *Ashmore v. Lees*, 2 C. B. 31; or if they be removable at the discretion of the trustees (see *Davis v. Waddington*, 7 M. & G. 37); or if they receive only a fixed payment out of profits: *Steele v. Bosworth*, 34 L. J. C. P. 57; *Simey v. Marshall*, L. R. 8 C. P. 269; 42 L. J. C. P. 49; 27 L. T. 581; 21 W. R. 123; 2 H. & C. 1; nor even, although their appointment be for life, unless they have a right to occupy a particular chamber, per Williams and Byles, JJ., in *Freeman v. Gainsford*, 31 L. J. C. P. 83. See

19 & 20 Vict.
c. 69, s. 9.

Borough con-
stables dis-
qualified from
voting.

19 & 20 Vict. c. 69.

9. No head or other constable already appointed or hereafter to be appointed for any borough, under the said Act of the fifth and sixth years of King William the Fourth, except special constables, shall, during the time he continues to be such constable, or within six calendar months after he has ceased to be such constable, be capable of giving his vote for the election of any person to any municipal office in such borough, or for the election of a member to serve in Parliament for such borough or any county in or to which such borough is situate, either wholly or in part, or adjoins, or for any borough within any such county, nor shall any such constable, by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to hold any municipal office in such borough, or to be a member to serve in Parliament for any such borough or county; and if any such constable shall offend therein he shall forfeit the sum of ten pounds, to be recovered in any court of competent jurisdiction, by any person who shall sue for the same within six months after the commission of the offence, and one half of the sum recovered shall be paid to the person suing for the same, and the other half to the Treasurer of the Borough: Provided always, that nothing herein contained shall subject any constable to any penalty for any act done by him at or concerning any of the said elections in the discharge of his duty.

The said Act of 5 & 6 Will. 4.] The Act referred to is 5 & 6 Will. 4, c. 76, "The Municipal Corporations Act, 1835," repealed and superseded by the consolidating Municipal Corporations Act, 1882, 45 & 46 Vict. c. 50, by s. 242 and Sched. 9, of which "a reference to this Act [the Act of 1882] shall be deemed to be substituted for a reference to the Municipal Corporations Act, 1835."

30 & 31 Vict.
c. 84.

Vaccination
not parochial
relief, so as to
disqualify.

30 & 31 Vict. c. 84. An Act to consolidate and amend the Laws relating to Vaccination. [12th August, 1867.]

26. It is hereby declared, that the vaccination, or the surgical or medical assistance incident to the vaccination, of any person in a union or parish, heretofore or hereafter performed or rendered by a public vaccinator, shall not be considered to be parochial relief, alms, or charitable allowance, to such person or his parent, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.

See s. 36 of the Reform Act, 1832, *ante*, and s. 40 of the Representation of the People Act, 1867, *post*.

30 & 31 Vict. c. 102.

30 & 31 Vict.
c. 102.

REPRESENTATION OF THE PEOPLE ACT, 1867.

[For other sections of this Act still in force, see *post*, Parts III., IV., and V.]

An Act further to amend the Laws relating to the Representation of the People in England and Wales.

[15th August, 1867.]

“Whereas it is expedient to amend the laws relating to the representation of the people in England and Wales:” BE IT ENACTED, as follows:—

1. This Act shall be cited for all purposes as “The Representation of the People Act, 1867.” Short title.

2. This Act shall not apply to Scotland or Ireland, nor in anywise affect the election of members to serve in Parliament for the Universities of Oxford or Cambridge. Application of Act.

The corresponding Act for Scotland is the Representation of the People (Scotland) Act, 1868, 31 & 32 Vict. c. 48, and for Ireland, the Representation of the People (Ireland) Act, 1868, 31 & 32 Vict. c. 49. As to Universities of Oxford and Cambridge, see further s. 5 of the Registration Act, 1885, and notes.

PART I.

FRANCHISES.

3. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a borough, who is qualified as follows; that is to say— Dwelling house qualification in boroughs.

1. Is of full age, and not subject to any legal incapacity; and

2. Is on the *last** day of July in any year, and has during the whole of the preceding twelve calendar months been, an inhabitant occupier, as owner or tenant, of any dwelling house within the borough; and * Now 15th.

3. Has during the time of such occupation been rated as an ordinary occupier in respect of the premises so occupied by him within the borough to all rates (if any) made for the relief of the poor in respect of such premises; and

4. Has on or before the twentieth day of July in the same year *bonâ fide* paid an equal amount in the pound to that payable by other ordinary occupiers in respect of all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January:

Provided that no man shall under this section be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house.

This is the section which gives what is commonly called the “household franchise” the distinction between the qualification under this section and

30 & 31 Vict.
c. 102, s. 3.

*Qualification
by dwelling-
house.*

that under s. 27 of the Act of 1832, being that under this section the man must be an inhabitant of a dwelling-house of any value, while under that he must be only an occupier of a house or building of £10 yearly value.

For application to counties, see ss. 2 and 7 of the Act of 1884.

Man.] This does not include woman (*Chorlton v. Lings*, L. R. 4 C. P. 374; 38 L. J. C. P. 25; 19 L. T. 534; 17 W. R. 284; 1 H. & C. 1), nor can a woman appeal from the decision of the revising barrister (*Wilson v. Salford*, 38 L. J. C. P. 35; 17 W. R. 161) as to a parliamentary vote; but women are entitled to the municipal franchise under ss. 10 and 63 of the Municipal Corporations Act, 1882, re-enacting provisions in *pari materiâ* of the Municipal Corporations Act, 1869.

To be registered.] For provisions as to registration, see *post*, Part II., "Registration of Electors."

Full age.] He must have been of full age on the 15th of July of the qualifying year (*Hargreaves v. Hopper*, 1 C. P. D. 195; 45 L. J. C. P. D. 105; 33 L. T. 530; 24 W. R. 186; decided on s. 6, but equally applicable to this section).

Legal incapacity.] This attaches at common law to women (*Chorlton v. Lings*, *supra*), peers (*Earl Beauchamp v. Madresfield*, L. R. 8 C. P. 245; 42 L. J. C. P. 32; 27 L. T. 606; 21 W. R. 124), Irish peers (*Rendlesham v. Haward*, L. R. 9 C. P. 252; 43 L. J. C. P. 33), aliens and infants; both at common law and by statute to aliens (33 Vict. c. 14; p. 51, *post*), to infants (7 & 8 Will. 3, c. 25, s. 7; p. 5, *ante*), and to felons (33 & 34 Vict. c. 23, s. 2, p. 52, *post*); and by statute only to persons having received parochial relief (Reform Act, 1832, s. 36; p. 25, *ante*; s. 40 of this Act, p. 43, *post*), to constables (10 Geo. 4, s. 18, *ante*; 2 & 3 Vict. c. 93, s. 9, *ante*; 19 & 20 Vict. c. 69, s. 9, p. 34, *ante*), to persons employed for hire at the election (s. 11 of this Act, p. 40, *post*), and to persons convicted of corrupt or illegal practices at parliamentary (C. P. Act, 1883, ss. 6, 10), municipal (C. P. Act, 1884), p. 58, *post*, or School Board elections (Education Act, 1870, s. 91, p. 53, *post*).

Last day of July.] Altered to fifteenth by s. 7 of the Parliamentary and Municipal Registration Act, 1878, p. 56, *post*.

The whole of the twelve months.] A permission to another person to occupy the house "as a furnished house" for not more than four months does not break the occupation (41 Vict. c. 3, p. 54, *post*).

Inhabitant occupier.] These words seem to require a continuous residence, either actual by the party himself or constructive by his family or servants.

Owner.] "Servitors" occupying rent-free houses in connection with an endowed hospital for their lives were held to occupy as owners in *Fryer v. Bodenham*, L. R. 4 C. P. 529; and so were canons occupying houses in right of their office: *Ford v. Harington*, L. R. 5 C. P. 282; but "Naval knights of Windsor" were held not so to occupy, because they were subject to regulations inconsistent with ownership: *Durant v. Kennett*, L. R. 5 C. P. 262.

Tenant.] A militia serjeant was held not to occupy as tenant (*Fox v. Dalby*, L. R. 10 C. P. 285), but s. 3 of the Act of 1884, p. 60, *post*, has altered the law in this respect.

All rates made.] By s. 17 of 32 & 33 Vict. c. 41, p. 49, *post*, a rate is made when it is allowed by the justices, thus getting rid of the difficulties raised in *Jones v. Bubb*, L. R. 4 C. P. 468.

Has paid.] The rates which must have been paid do not include arrears of rates made before the commencement of the qualifying year. They are only the rates made after January 5th of the year before the qualifying year, and payable up to the 5th January of such year: *Austin v. Cull*, L. R. 7 C. P. 227; 41 L. J. C. P. 153; 26 L. T. 76; 20 W. R. 863; 1 H. & C. 741. A rate excused for poverty under 54 Geo. 3, c. 170, s. 11, is not a rate paid: *Abel v. Lee*, L. R. 6 C. P. 365.

As to corrupt payment, see s. 49 and note; as to payment by compounding owner, see s. 7 and note.

30 & 31 Vict.
c. 102, s. 3.

Joint occupier.] A person otherwise qualified does not become a joint occupier and so lose his qualification by letting to a lodger the exclusive use of a bedroom and the joint use of a sitting-room: *Brewer v. McGowen*, L. R. 5 C. P. 239; 39 L. J. O. P. 80; 21 L. T. 462; 18 W. R. 167; 1 H. & C. 275.

Dwelling-house, or, by s. 5 of the Parliamentary and Municipal Registration Act, 1878, p. 56, *post*, "any part of a house separately occupied as a dwelling." See note to that section.

4. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a borough, who is qualified as follows; that is to say—

Lodger franchise for voters in boroughs.

1. Is of full age and not subject to any legal incapacity; and

2. As a lodger has occupied in the same borough separately and as sole tenant for the twelve months preceding the *last** day of July in any year the same lodgings, such lodgings being part of one and the same dwelling house, and of a clear yearly value, if let unfurnished, of ten pounds or upwards; and

* Now 15th.

3. Has resided in such lodgings during the twelve months immediately preceding the *last*† day of July, and has claimed to be registered as a voter at the next ensuing registration of voters.

† Now 15th.

As to "man," "full age," and "legal incapacity," see notes to s. 3, *supra*.

For the extension of the lodger qualification to counties, see ss. 2 and 7 of the Act of 1884.

As a lodger.] There are four distinctions between the lodger qualification under this section and the household qualification under the 3rd section.

1. The lodger must claim annually, whereas the householder need only claim, if he be omitted from the list by the overseers, in his first year. 2. The lodgings must be of £10 value; whereas the value of the dwelling-house is immaterial. 3. A man inhabits a dwelling-house by inhabiting a part, however small, as a house of his own; whereas he inhabits lodgings by inhabiting a part, however large, of a house subject to the control of a resident landlord. 4. A lodger is not rateable; a householder is.

There is no definition of "lodger"; but the term appears to mean one who is not rateable, and who occupies a room or rooms in a dwelling-house over which the landlord retains some control as master of the house, as by himself or his agent residing in it: *Bradley v. Baylis*; *Morfee v. Norris*; *Kirby v. Biffen*, 8 Q. B. D. 195; 51 L. J. Q. B. 183; 46 L. T. 253; 30 W. R. 823; 1 Colt. 163, C. A.; and a householder qualified as such by occupying one of a set of rooms in a house not resided in by the landlord, does not become a lodger by reason of another room becoming vacant and consequently reverting to the landlord: *Ancketill v. Baylis*, 10 Q. B. D. 577, C. A.

Rooms in a college at the University of Cambridge were said not to be lodgings in *Barnes v. Peters*, L. R. 4 C. P. 539. See further note to s. 15 of the Registration Act, 1885, p. 71.

Has occupied as sole tenant.] As to additional and successive and joint occupation, see s. 5 of the Parliamentary and Municipal Registration Act, 1878, p. 55. Joint occupation is not done away with as a qualification by s. 4 of the Act of 1884, inasmuch as a lodger cannot be said to "own a tenement" within the meaning of that section.

30 & 31 Vict.
c. 102, s. 4.

Lodgers.

Clear yearly value.] This, as in other cases, will be a question of fact for the revising barrister. See *Coogan v. Luckett*, 2 C. B. 182; 15 L. J. C. P. 159.

Has resided.] Sleeping elsewhere for the purpose of business, if the lodgings have been occupied by the family of the lodger, and if he be not deprived of the power of returning, is no break of residence: *Taylor v. Kensington Overseers*, L. R. 6 C. P. 309; 40 L. J. C. P. 45; 23 L. T. 493; 19 W. R. 100; 1 H. & C. 421; nor is the keeping up a separate and principal establishment elsewhere all the year round: *Bond v. St. George, Hanover Square, Overseers*, L. R. 6 C. P. 312; 40 L. J. C. P. 47; 23 L. T. 494; 19 W. R. 101; 1 H. & C. 427.

"To constitute a residence, a party must possess at least a sleeping apartment, but an uninterrupted abiding is not requisite, and absence, no matter how long, if there be the liberty of returning at any time, and no abandonment of the intention to return whenever it may suit the party's pleasure or convenience so to do, will not prevent a constructive legal residence." Such is the definition of "residence" in the 27th section of the Act of 1832, adopted by Erle, C.J., from Elliott on Registration, 2nd edition, p. 204, in *Powell v. Guest*, 34 L. J. C. P. 69, and applied to the present section by Brett, J., in *Bond's Case*, *supra*. See therefore ss. 27, 31, and 33 of the Act of 1832, and the cases there cited.

Has claimed.] To have claimed is essential. For form and time of claim, see Registration Act, 1885, Sched. 2, H., No. 2 (Counties), and Sched. 3, H., No. 3 (Boroughs).

The above newly-provided forms of claim differ from the forms heretofore in use, in assuming that the landlord resides in the lodgings. That he does or does not reside, though of course not conclusive of a "lodger" in contradistinction to a "household" qualification, seems to indicate an intention on the part of the Legislature that the fact of his residence or not was to be considered a primary element in considering the question.

Property franchise for voters in counties.

5. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a county, who is qualified as follows; that is to say—

1. Is of full age, and not subject to any legal incapacity; and Is seised at law or in equity of any lands or tenements of freehold, copyhold, or any other tenure whatever, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same; or

Who is entitled, either as lessee or assignee, to any lands or tenements of freehold or of any other tenure whatever for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same:

Provided that no person shall be registered as a voter under this section unless he has complied with the provisions of the

twenty-sixth section* of the Act of the second year of the reign of his Majesty William the Fourth, chapter forty-five.

30 & 31 Vict.
c. 102, s. 5.

As to "full age" and "legal incapacity," see notes to s. 3, *supra*.

* p. 16.

This section (which the editors have divided into paragraphs, as appears from the "1," not followed by any "2," or "3," in the Queen's printers' copy, to have been originally intended), repeats, with a reduction in value from £10 to £5, the qualifications given by s. 19 and the first of s. 20 of the Act of 1832, *ante*.

Is seized in equity.] If an estate be under a trust for sale, the qualification remains so long as it can legally be kept unconverted, but no longer: *Spencer v. Harrison*, 5 C. P. D. 97; 49 L. J. C. P. 188.

Any other tenure.] A customary tenure is sufficient: *Garbutt v. Trevor*, 33 L. J. C. P. 71; 15 C. B. (N.S.) 550.

As lessee.] The party must be lessee of a corporeal hereditament, or assignee of a lease of such an hereditament; a chattel rent-charge, or a rent-charge issuing out of leasehold estate, does not qualify: *Warburton v. Denton*, L. R. 6 C. P. 267; 40 L. J. C. P. 49; 23 L. T. 129; 19 W. R. 210; 1 H. & C. 432.

A sub-lessee is included in the term lessee: *Chorlton v. Stretford Overseers*, L. R. 7 C. P. 198; 41 L. J. C. P. 37; 20 W. R. 236; 1 H. & C. 712: but *semble* per Brett, J., *ib.*, that the proviso of s. 20 of the Act of 1832 must be read in, and he must be in actual occupation.

Provided that.] The 26th section of the Act of 1832, referred to in this proviso, makes six months' possession prior to the last day (altered to 15th by s. 12 of the Act of 1884) of July, a condition precedent to registration.

6. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a county, who is qualified as follows (that is to say):

"County
Occupation
Franchise."

1. Is of full age, and not subject to any legal incapacity; and
2. Is on the last day† of July in any year, and has during the twelve months immediately preceding been, the occupier, as owner or tenant, of lands or tenements within the county of the rateable value of twelve pounds or upwards; and
3. Has during the time of such occupation been rated in respect to the premises so occupied by him to all rates (if any) made for the relief of the poor in respect of the said premises; and
4. Has on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January.

This section, similarly to s. 27 of the Act of 1832, is repealed by s. 12 and Sched. 2, Part II., of the Act of 1884 (p. 67, *post*), the reason for the repeal being that s. 5 of that Act substitutes a £10 occupation county franchise for the £12 county occupation franchise given by this. The repeal, however, is subject to the exception that existing rights (see s. 10 of the Act of 1885) are not to be affected, and also to the very important exception that the conditions (see s. 5 of the Act of 1884) of this section remain applicable to the franchise conferred by s. 5.

As to full age and legal incapacity, see notes to s. 3, *supra*. The "last day" is altered to the "fifteenth day" of July by s. 12 of the Act of 1885, p. 71, *post*.

Owner or tenant.] See the cases in the note on similar words in s. 27 of the Act of 1832, *ante*, which apply to this section, with the exception that an occupation under more than one landlord of more than one holding,

30 & 31 Vict.
c. 102, s. 6.

*"County
Occupation
Franchise."*

confers a qualification under this section, if the aggregate value of the holdings be sufficient: *Huckle v. Piper*, L. R. 7 C. P. 193; 41 L. J. C. P. 42; 25 L. T. 809; 20 W. R. 535; 1 H. & C. 680.

Rateable value.] This means the actual rateable value, of which value the rate-book is not conclusive evidence, but evidence may be taken by the revising barrister: *Cook v. Butler*, L. R. 9 C. P. 256; 42 L. R. 25; 25 L. T. 548; 21 W. R. 73; 2 H. & C. 22.

Has been rated.] See the notes to s. 3, ante.

Occupiers in
boroughs to be
rated, and not
owners.

7. Where the owner is rated at the time of the passing of this Act to the poor rate in respect of a dwelling house or other tenement situate in a parish wholly or partly in a borough, instead of the occupier, his liability to be rated in any future poor rate shall cease, and the following enactments shall take effect with respect to rating in all boroughs:

1. After the passing of this Act no owner of any dwelling house or other tenement situate in a parish either wholly or partly within a borough shall be rated to the poor rate instead of the occupier, except as hereinafter mentioned:
2. The full rateable value of every dwelling house or other separate tenement, and the full rate in the pound payable by the occupier and the name of the occupier, shall be entered in the rate book:

Where the dwelling house or tenement shall be wholly let out in apartments or lodgings not separately rated, the owner of such dwelling house or tenement shall be rated in respect thereof to the poor rate:

Provided as follows:—

Provisoos as to
compositions,
&c.

[Provisoos 1 and 2 were temporary only, and have been repealed by the Stat. Law Revision Act, 1875.]

3. That where the occupier under a tenancy subsisting at the time of the passing of this Act of any dwelling house or other tenement which has been let to him free from rates is rated and has paid rates in pursuance of this Act, he may deduct from any rent due or accruing due from him in respect of the said dwelling house or other tenement any amount paid by him on account of the rates to which he may be rendered liable by this Act.

This section, which applies to boroughs only, though not expressly repealed, is in a great measure superseded by the Poor Rate Assessment and Collection Act, 1869, 32 & 33 Vict. c. 41, which expressly authorizes, so far as tenements of a certain value are concerned, that rating of owners which this section expressly forbids. See that Act, and the notes thereto, p. 46.

[8. *Temporary only.*—Repealed by Stat. Law Revision Act, 1875.]

[9–10. Restriction as to number of votes in counties and boroughs represented by three members, and in the city of London. See *post*, Part V., "The Election."]

No elector em-
ployed for re-
ward within
six months of
election to
vote.

11. No elector who within six months before or during any election for any county or borough shall have been retained, hired, or employed for all or any of the purposes of the election

for reward by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in other like employment, shall be entitled to vote at such election, and if he shall so vote he shall be guilty of a misdemeanor.

30 & 31 Vict.
c. 102.

This section does not appear to prohibit the registration of the electors therein mentioned.

Paid canvassers are abolished by s. 17 of the Corrupt Practices Act, 1883, post, Part V., "The Election."

[12. Boroughs of Totnes, Reigate, Yarmouth, and Lancaster, on account of corrupt practices therein, to cease to return members after end of present Parliament.]

13. *Whereas the Commissioners appointed under a Commission of her Majesty, dated 16th of June, 1866, for the purpose of making inquiry into the existence of corrupt practices in the borough of Totnes, have by their report, dated 29th of January, 1867, reported to her Majesty that the persons named in Schedules (I.) and (K.) to the said report annexed had been guilty of giving or receiving bribes: Be it enacted, that none of the persons so named in the said schedules shall have the right of voting for the southern division of the county of Devon in respect of a qualification situated within the said borough of Totnes.*

Disqualification of persons guilty of bribery in Totnes.

This section, and ss. 14, 15, and 16, are repealed by s. 27 and Sched. 8 of the Redistribution of Seats Act, 1885, p. 72.

14. *Whereas the Commissioners appointed under a Commission of her Majesty, dated 16th of June, 1866, for the purpose of making inquiry into the existence of corrupt practices in the borough of Great Yarmouth, have by their report dated 20th of December, 1866, reported to her Majesty that the persons named in Schedules (A.) and (B.) to the said report annexed had been guilty of giving or receiving bribes: Be it enacted, that none of the persons so named in the said schedules shall have the right of voting for the north-eastern division of the county of Norfolk, or the eastern division of the county of Suffolk, in respect of a qualification situated within the borough of Great Yarmouth.*

Disqualification of persons guilty of bribery in Yarmouth.

15. *Whereas the Commissioners appointed under a Commission of her Majesty, dated 16th of June, 1866, for the purpose of making inquiry into the existence of corrupt practices in the borough of Lancaster, have by their report reported to her Majesty that certain persons had been guilty of giving or receiving bribes: Be it enacted, that none of the said persons appearing by the Schedules marked (A.) and (B.) to the said report annexed to have been bribed, or as bribing and treating shall have the right of voting for the northern division of the county of Lancaster in respect of a qualification situated within the said borough of Lancaster.*

Disqualification of persons reported guilty of bribery in Lancaster.

16. *Whereas the Commissioners appointed under a Commission of her Majesty, dated the 16th of June, 1866, for the purpose of making inquiry into the existence of corrupt practices in the borough of Reigate, by their report dated 2nd of February, 1867, reported to*

Disqualification of persons guilty of bribery in Reigate.

30 & 31 Vict.
c. 102, s. 16.

her Majesty that the persons named in Schedules (A.) (B.) and (C.) had been guilty of giving or receiving bribes: Be it enacted, that none of the said persons so named in the said schedules, and appearing thereby to have been so guilty in the election which took place in the year 1865, shall have the right of voting for the division of Mid Surrey in respect of a qualification situated within the borough of Reigate.

See note to s. 13.

PART II.

DISTRIBUTION OF SEATS.

[17-23. See these sections, *post*, Part IV., "Electoral Areas."]

University of
London to re-
turn one mem-
ber.

24. In all future Parliaments the University of London shall return one member to serve in Parliament.

Electors for
University of
London.

25. Every man whose name is for the time being on the register of graduates constituting the convocation of the University of London shall, if of full age, and not subject to any legal incapacity, be entitled to vote in the election of a member to serve in any future Parliament for the said University.

"Man" does not include "woman." See *Chorlton v. Lings*, L. R. 4 C. P. 374. As to "full age" and "legal incapacities," see note to s. 3, *ante*.

PART III.

SUPPLEMENTAL PROVISION.

Incidents of Franchise.

Successive
occupations.

* *Now* 15th.

26. Different premises occupied in immediate succession by any person as owner or tenant during the twelve calendar months next previous to the *last** day of July in any year shall, unless and except as herein is otherwise provided, have the same effect in qualifying such person to vote for a county or borough as a continued occupation of the same premises in the manner herein provided.

Joint occupa-
tions in
counties.

27. In a county where premises are in the joint occupation of several persons as owners or tenants, and the aggregate rateable value of such premises is such as would, if divided amongst the several occupiers, so far as the value is concerned, confer on each of them a vote, then each of such joint occupiers shall, if otherwise qualified, and subject to the conditions of this Act, be entitled to be registered as a voter, and when registered to vote at an election for the county: Provided always, that not more than two persons, being such joint occupiers, shall be entitled to be registered in respect of such premises, unless they shall have derived the same by descent, succession, marriage, marriage settlement, or devise, or unless they shall be *bonâ fide* engaged as partners carrying on trade or business thereon.

Partners.

[28–32. Notice of rate in arrear to be given by overseers to voters. Overseers to make out a list of persons in arrear of rates, to be open to perusal without fee.—See these and other sections of the Act relating to registration, *post*, Part II., “Registration of Voters.”]

30 & 31 Vict.
c. 102, s. 40.

[33–39. Places for election, and polling places. See these sections, *post*, Part V., “The Election.”]

40. The thirty-sixth section of the Act of the second year of King William the Fourth, chapter forty-five,* disqualifying persons in receipt of parochial relief from being registered as voters for a borough, shall apply to a county also, and the said section shall be construed as if the word “County” were inserted therein before the word “City;” and the overseers of every parish shall omit from the lists made out by them of persons entitled to vote for the borough and county in which such parish is situate the names of all persons who have received parochial relief within twelve calendar months next previous to the last day of July in the year in which the list is made out.

Disqualifica-
tion by paro-
chial relief to
apply to coun-
ties as well as
boroughs.

* p. 25, *ante*.

See the notes to s. 36 of the Act of 1832, p. 25, *ante*. Prior to this Act there had been some little doubt whether the mere possession of the forty-shilling freehold ought not to be taken as conclusive evidence that the party's indigence was not such as to disqualify. See Heywood, p. 271, where conflicting cases are cited, and the opinion expressed that the disqualification in counties was by the common law of Parliament similar to that in boroughs.

For penalty on overseers inserting in a list the names of persons not qualified, see s. 51 of the Parliamentary Registration Act, 1843, p. 10.

[41–45. Election in University of London. See these sections, *post*, Part V., “The Election.”]

46. So much of the twenty-seventh and thirty-second sections of the Act of the second year of the reign of King William the Fourth, chapter forty-five,† and of the seventy-ninth section of the Act of the sixth year of the reign of her present Majesty, chapter eighteen,‡ as relates to the residence of electors within seven miles of any city or borough, shall be repealed in respect to electors otherwise qualified to be registered and to vote for members to serve in Parliament for the city of London: Provided always, that no person shall be registered as an elector for the said city unless he shall have resided for six calendar months next previous to the last day of July in any year, nor be entitled to vote at any election for the said city unless he shall have ever since the last day of July in the year in which his name was inserted in the register then in force have resided, and at the time of voting shall have continued to reside, within the said city, or within twenty-five miles thereof or any part thereof.

Residence of
electors for the
city of London
extended to
twenty-five
miles.

† p. 18, *ante*.

‡ p. 110.

In the case of the ordinary elector, under s. 27 of the Act of 1832, the distance is to be measured from “any part” of the city; in the case of the freeman under s. 82, from the polling place; but this section appears to treat the two cases in the same manner. The part referred to of s. 79 of 6 Vict. c. 18, is repealed by the Ballot Act, 1872.

[47. Returning officers in new boroughs. See *post*, Part V., “The Election.”]

30 & 31 Vict.
c. 102.

Corrupt pay-
ment of rates
to be punish-
able as bribery.

[48. *Boundary Commissioners*.—Repealed, as temporary, by Stat. Law Rev. Act, 1875.]

49. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made shall also be guilty of bribery, and punishable accordingly.

Payment by a volunteer by way of gift will not qualify (see *B. v. Mayor of Bridgnorth*, 10 A. & E. 66); but at the same time it will not necessarily be a corrupt payment within this section, and the burden of proof will be on the party charging corruption. As to punishment of bribery, see Corrupt and Illegal Practices Act, 1883, *post*, Part V., "The Election."

As to payment of rates as a condition of the qualification, see ss. 3 and 6. The payment to qualify must be by the party himself, or his agent expressly or impliedly appointed.

[50. Returning officer, &c., acting as agent guilty of misdemeanor. See *post*, Part V., "The Election."]

[51. Not necessary to dissolve Parliament on demise of Crown.]

[52. Members holding offices of profit from the Crown, as in Schedule (H.), not required to vacate seats on acceptance of another office. See *post*, Part IV., "Disqualification of Candidates."]

Copy of reports
of Commis-
sioners as to
boroughs
herein named,
to be evidence.

53. Any copy of any of the said reports by the said Commissioners appointed for the purpose of making inquiry into the existence of corrupt practices in any of the said boroughs of Totnes, Great Yarmouth, Lancaster, or Reigate, with the schedules thereof annexed, and purporting to be printed by the Queen's printer, shall for the purposes of this Act be deemed to be sufficient evidence of any such report of the said Commissioners, and of the schedules annexed thereto.

[54. *Temporary*.—Repealed by Statute Law Revision Act, 1875.]

No qualifica-
tion for county
unless title by
old borough
qualification.

55. Nothing in this Act contained shall affect the rights of persons whose names are for the time being on the register of voters for any county in which the boroughs constituted by this Act are situate to vote in any election for such county in respect of any vacancy that may take place before the summoning of a future Parliament, but after such summoning no person shall be entitled to be registered as a voter, or to vote in any election for any such county, who would not be entitled to be so registered, or to vote in case the qualifications held by him were situate in a borough other than one constituted by this Act.

Compare s. 24 of the Act of 1832, *ante*, and s. 10 of the Act of 1884, *post*. The remaining part of this section is repealed by the Statute Law Revision Act, 1875.

56. The franchises conferred by this Act shall be in addition to and not in substitution for any existing franchises, but so that no person shall be entitled to vote for the same place in respect of more than one qualification; and, subject to the provisions of this Act, all laws, customs, and enactments now in force conferring any right to vote, or otherwise relating to the representation of the people in England and Wales, and the registration of persons entitled to vote, shall remain in full force, and shall apply, as nearly as circumstances admit, to any person hereby authorized to vote, and shall also apply to any constituency hereby authorized to return a member or members to Parliament as if it had heretofore returned such members to Parliament and to the franchises hereby conferred; and to the registers of voters hereby required to be formed.

30 & 31 Vict.
c. 102.

General saving.

[**57.** Writs to County Palatine of Lancaster. Writs, &c., to be made conformable to this Act. See *post*, Part V., "The Election."]

59. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the enactments for the time being in force relating to the Representation of the People and with the Registration Acts; and in construing the provisions of the twenty-fourth and twenty-fifth sections of the Act of the second year of King William the Fourth, chapter forty-five, the expressions "the provisions hereinafter contained," and "as aforesaid," shall be deemed to refer to the provisions of this Act conferring rights to vote as well as to the provisions of the said Act.

Act to be construed with enactments now in force.

See the enactments as to the Representation of the People, p. 1, *ante*. The Registration Acts, by s. 61, *post*, have a meaning similarly extensive.

The 24th and 25th sections of the Act of 1832 prohibit a party from voting for a county in respect of his qualification for a borough.

[**60.** Repealed, as temporary, by Stat. Law Rev. Act, 1875.]

61. The following terms shall in this Act have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

Interpretation.

"Month" shall mean calendar month:

"Month:"

"Member" shall include a knight of the shire:

"Member:"

"Election" shall mean an election of a member or members to serve in Parliament:

"Election:"

"County" shall not include a county of a city or county of a town, but shall mean any county, riding, parts or divisions of a county returning a member or members to serve in Parliament:

"County:"

"Borough" shall mean any borough, city, place, or combination of places, not being a county as hereinbefore defined, returning a member or members to serve in Parliament:

"Borough:"

"Dwelling house" shall include any part of a house occupied as a separate dwelling, and separately rated to the relief of the poor:

"Dwelling house:"

"The Registration Acts" shall mean the Act of the sixth year of the reign of her present Majesty, chapter eighteen, and the Act of the twenty-eighth year of the reign of her

"The Registration Acts."

30 & 31 Vict.
c. 102, s. 61.

Definitions.

present Majesty, chapter thirty-six, and any other Acts or parts of Acts relating to the registration of persons entitled to vote at and proceedings in the election of members to serve in Parliament for England and Wales.

Dwelling-house.] The definition here given is repealed by the Parliamentary and Municipal Act, 1878, which by s. 5, p. 155, *post*, substitutes “any part of a house where that part is separately occupied as a dwelling.”

“*The Registration Acts.*”] See Act, *post*, Part II., “Registration of Electors.”

31 & 32 Vict.
c. 58.

Application to
counties of en-
actments as to
demand to be
rated.

* p. 20.

† p. 109.

31 & 32 Vict. c. 58.

[For other sections of this Act, see Part II., “Registration of Electors.”]

30. The thirtieth section of the Act of the session of the second year of King William the Fourth, chapter forty-five,* and the seventy-fifth section of the principal Act,† shall apply to all occupiers of premises capable of conferring the franchise for a county under the “Representation of the People Act, 1867.”

31 & 32 Vict.
c. 73.

31 & 32 Vict. c. 73. An Act to relieve certain Officers employed in the Collection and Management of Her Majesty’s Revenues from any legal Disability to vote at the Election of Members to serve in Parliament.

[31st July, 1868.]

“Whereas it is expedient that any person otherwise entitled to be registered as a voter should be incapacitated to vote at the election of a member or members to serve in Parliament by reason of his being employed in the collection or management of her Majesty’s revenues;” BE IT ENACTED, as follows :

Repeal of en-
actments in
schedule.

1. The enactments contained in the schedule to this Act are hereby repealed.

See further 37 & 38 Vict. c. 22, p. 54, *post*.

**POOR RATE ASSESSMENT AND COLLECTION
ACT, 1869.**

32 & 33 Vict.
c. 41.

32 & 33 Vict. c. 41. An Act for amending the Law with respect to the rating of Occupiers for short terms, and the making and collecting of the Poor’s Rate.

[26th July, 1869.]

Whereas it is expedient to amend the law relating to the collection of poor rates assessed upon occupiers of hereditaments held for short terms, and to the making and collecting of the poor rate :

1. The occupier of any rateable hereditament let to him for a term not exceeding three months shall be entitled to deduct the amount paid by him in respect of any poor rate assessed upon such hereditament from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate so paid.

32 & 33 Vict.
c. 41.

Occupiers of
tenements let
for short terms
may deduct
poor rate
paid by them
from rents.

The 7th, 10th, and 19th sections of this Act are the only sections which bear expressly on the qualification of electors, and the other sections are printed here merely for the purpose of rendering those sections intelligible.

The Act, which has an important effect upon s. 3 of the Act of 1867, *ante*, is amended by the Assessed Rates Act, 1879, p. 56, *post*.

2. No such occupier shall be compelled to pay to the overseers at one time or within four weeks a greater amount of the rate than would be due for one quarter of the year.

Amount of rate
payable by oc-
cupier.

3. In case the rateable value of any hereditament does not exceed twenty pounds, if the hereditament is situate in the metropolis, or thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere, and the owner of such hereditament is willing to enter into an agreement in writing with the overseers to become liable to them for the poor rates assessed in respect of such hereditament, for any term not being less than one year from the date of such agreement, and to pay the poor rates whether the hereditament is occupied or not, the overseers may, subject nevertheless to the control of the vestry, agree with the owner to receive the rates from him, and to allow to him a commission not exceeding twenty-five per cent. on the amount thereof.

Owners may
agree to pay
the rate, and
be allowed a
commission.

4. The vestry of any parish may from time to time order that the owners of all rateable hereditaments to which section three of this Act extends, situate within such parish, shall be rated to the poor rate in respect of such rateable hereditaments, instead of the occupiers, on all rates made after the date of such order; and thereupon and so long as such order shall be in force the following enactments shall have effect:

Vestries may
order owner
to be rated
instead of
occupier.

1. The overseers shall rate the owners instead of the occupiers, and shall allow to them an abatement or deduction of fifteen per centum from the amount of the rate:

2. If the owner of one or more such rateable hereditaments shall give notice to the overseers in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner, whether the same be occupied or not, the overseers shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen per centum from the amount of the rate during the time he is so rated:

32 & 33 Vict.
c. 41, s. 4.

3. The vestry may by resolution rescind any such order after a day to be fixed by them, such day being not less than six months after the passing of such resolution, but the order shall continue in force with respect to all rates made before the date on which the resolution takes effect :

Provided that this clause shall not be applicable to any rateable hereditament in which a dwelling house shall not be included.

It was held to be a condition precedent to an allowance under subs. 2 that the owner should give notice in writing, and that where an allowance had been made without such written notice the occupier could not be placed upon the list of voters, inasmuch as he had not made a payment within the meaning of s. 3, subs. 4, of the Act of 1867 : *Bennett v. Atkins*, 4 C. P. D. 80 ; 48 L. J. C. P. 95 ; 40 L. T. 66 ; 27 W. R. 231 ; but the effect of this decision has been got rid of by the Assessed Rates Act, 1879, 41 Vict. c. 10, *post*.

[5. Owners omitting to pay rates before the fifth day of June to forfeit commission.]

[6. Repeal of 13 & 14 Vict. c. 99.]

Constructive
payment of the
rate.

7. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate, shall be deemed a payment of the full rate by the occupier for the purpose of any qualification or franchise which as regards rating depends upon the payment of the poor rate.

See note to s. 4, *ante*.

Occupiers pay-
ing rates may
deduct them.

8. Where an owner who has undertaken, whether by agreement with the occupier or with the overseers, to pay the poor rates, or has otherwise become liable to pay the same, omits or neglects to pay any such rate, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

Owners to give
lists of occu-
piers, and liable
to penalty for
wilful omis-
sion.

9. Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated ; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

Notice to occu-
piers of rates
in arrear.

10. Section twenty-eight of "The Representation of the People Act, 1867," with respect to notice to be given of rates in

arrear, shall apply to occupiers of premises capable of conferring the Parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act.

32 & 33 Vict.
c. 41.

See s. 28 of the Act of 1867, *post*, Part II., "Registration of Electors."

11. Where the owner has become liable to the payment of the poor rates, the rates due from him, together with the costs and charges of levying and recovering the same, may be levied on the goods of the owner, and be recovered from him in the same way as poor rates may be recovered from the occupier.

Liability of
owner under
agreement.

[12, 13. Recovery of rates unpaid by the owner. Appeal by owner.]

14. The overseers of every parish when they make a poor rate shall set forth in the title of the rate the period for which the same is estimated, and if the same is payable by instalments the amount of each instalment and the date at which each instalment is payable; Provided that if the necessities of the parish shall require it another rate may be made before such period shall have elapsed.

Overseer to
state period
for which rate
made.

15. The overseers who make the poor rate for a period exceeding three months may declare that the same shall be paid by instalments at such times as they shall specify, and thereupon each instalment only shall be enforceable as and when it falls due, and the payment of any such instalment shall, as respects any qualification or franchise depending upon the payment of the poor rate, be deemed a payment of such rate in respect of the period to which such instalment applies.

Overseers may
make poor rate
payable by in-
stalments.

[16. Provision for successive occupiers, &c.]

17. A poor rate shall be deemed to be made on the day when it is allowed by the justices, and if the justices sever in their allowance then on the day of the last allowance.

When rate
made.

This section gets rid of the difficulties caused by *Jones v. Bubb*, L. R. 4 C. P. 468, in where it was held that making included both signing by overseers and allowance by justices.

18. The production of the book purporting to contain a poor rate, with the allowance of the rate by the justices, shall, if the rate is made in the form prescribed by law, be *prima facie* evidence of the due making and publication of such rate.

Evidence of
rates.

19. The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupiers' column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid; and if any overseer negligently or wilfully and without reasonable cause omits the name of the

Overseers to
insert names of
all occupiers in
the rate.

Penalty for
omission.

32 & 23 Vict.
c. 41.

Saving of
franchises.

occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable on summary conviction to a penalty not exceeding two pounds; Provided that any occupier whose name has been omitted shall, notwithstanding such omission and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating, in the same manner as if his name had not been so omitted.

The conflicting decisions upon this section in *Cross v. Allsop*, L. R. 6 C. P. 315; 40 L. J. C. P. 53; and *Smith v. Seghill*, L. R. 10 Q. B. 422, led to the passing of s. 14 of the Parliamentary and Municipal Registration Act, 1878, p. 56, *post*, which section affirms the view taken in *Smith v. Seghill*.

Interpretation
of terms.

20. The word "Overseer" shall include every authority that makes an assessment for the poor rate; the words "Poor Rate" shall mean the assessment for the relief of the poor, and for the other purposes chargeable thereon according to law, and in the metropolis shall extend to every rate made by the overseers, and chargeable upon the same property as the poor rate; the word "Owner" shall mean any person receiving or claiming the rent of the hereditament for his own use, or receiving the same for the use of any corporation aggregate, or of any public company, or of any landlord or lessee who shall be a minor, a married woman, or insane, or for the use of any person for whom he is acting as agent; the word "Parish" shall signify every place for which a separate overseer can be appointed; the word "Vestry" shall include not only the vestry of a parish existing under the authority of some general or special Act of Parliament, or by special custom or otherwise, but also the meeting of the inhabitants of any township, vill, or place having a separate overseer, and for which a separate poor rate is made, held after notice given in like manner as is required by law in regard to the meetings of vestries; and the word "Metropolis" shall include only the metropolis as defined by the Metropolis Management Act, 1855.

Application of
Act.
Short title.

21. This Act shall not extend to Scotland or to Ireland.

22. This Act may be cited as "The Poor Rate Assessment and Collection Act, 1869."

SCHEDULE.

22 George 3, c. 41.

43 George 3, c. 25.

7 & 8 George 4, c. 53, s. 9.

33 Vict. c. 14. An Act to amend the Law relating to the legal condition of Aliens and British Subjects. 33 Vict. c. 14.
[12th May, 1870.]

“Whereas it is expedient to amend the law relating to the legal condition of aliens and British subjects;” BE IT ENACTED, as follows:

1. This Act may be cited for all purposes as “The Naturalisation Act, 1870.” Short title.

Status of Aliens in the United Kingdom.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,— Alien not qualified for franchise.

(1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise:

An alien is the child of a foreign father, born in a foreign country, or the child of a naturalised father born in a foreign country before the naturalisation. The children of natural-born subjects born abroad are naturalised by 7 Anne, c. 5, and 4 Geo. 2, c. 21.

It was resolved by the House of Commons in 1698, in *The Westminster Case* (Heywood, 252), that an alien is disqualified at common law.

7. An alien who within such limited time before making the application hereinafter mentioned as may be allowed by one of her Majesty's principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalised, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of her Majesty's principal Secretaries of State for a certificate of naturalisation. Application for naturalisation.

The applicant shall adduce in support of his application such evidence of his residence or service and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance. Evidence.

An alien to whom a certificate of naturalisation is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, Qualification of alien for franchise by certificate of naturalisation.

33 Vict. c. 14.

Aliens.

to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalisation, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

Special certificate.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalisation to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalised previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalisation under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalised alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalised in the United Kingdom.

33 & 34 Vict.
c. 23.Conviction for
treason or
felony to be a
disqualification
for offices, &c.**33 & 34 Vict. c. 23.**

2. If any person hereafter convicted of treason or felony, for which he shall be sentenced to death, or penal servitude, or any term of imprisonment with hard labour, or exceeding twelve months, shall at the time of such conviction hold any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or any place, office, or emolument in any university, college, or other corporation, or be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable, unless such person shall receive a free pardon from her Majesty, within two months after such conviction, or before the filling up of such office, benefice, employment, or place if given at a later period; and such person shall become, and (until he shall have suffered the punishment to which he had been sentenced, or such other punishment as by competent authority may be substituted for the same, or shall receive a free pardon from her Majesty), shall continue thenceforth incapable of holding any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or of being elected, or sitting or voting as a member of either House of Parliament, or of exercising any

right of suffrage or other parliamentary or municipal franchise whatever within England, Wales, or Ireland.

33 & 34 Vict.
c. 23.

A convicted felon was disqualified at common law, and so was a person convicted of treason.

It will be observed that the present section in its opening paragraph applies to felons holding office only, and a doubt may arise whether the words "such person" in the concluding paragraph apply only to a person holding office, or generally to all convicted felons. The latter construction appears to be more in harmony with the spirit of the section.

The result of the section would seem also to be to cut down the common law disqualification which attached independently of the length of the sentence, to the disqualification under the Act, which a certain severity of sentence is necessary to create.

Perjury.] A conviction for perjury was a disqualification by the Act 2 Geo. 2, c. 24, s. 6; but this Act was repealed (except as to s. 3, which was repealed by the Ballot Act) by the Corrupt Practices Prevention Act, 1854, which Act, however, is a temporary Act only.

33 & 34 Vict. c. 75. Elementary Education Act, 1870.

33 & 34 Vict.
c. 75.

91. Any person who at the election of any member of a school board or any officer appointed for the purpose of such election is guilty of corrupt practices shall, on conviction, for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or Parliamentary election.

Disqualifica-
tion by con-
viction for
corrupt
practice at
school board
election.

The term "Corrupt Practices" in this section includes all bribery, treating, and undue influence which under any Act relating to a Parliamentary election renders such election void.

See Corrupt Practices Prevention Act, 1883, p. 58, *post*.

37 & 38 Vict. c. 22. An Act to relieve Revenue Officers from remaining Electoral Disabilities.

37 & 38 Vict.
c. 22.

[30th June, 1874.]

Whereas an Act was passed in the session of Parliament holden in the thirty-first and thirty-second years of the reign of her present Majesty, intituled "An Act to relieve certain officers employed in the collection and management of her Majesty's revenues from any legal disability to vote at the election of members to serve in Parliament :"

* p. 46.

And whereas notwithstanding the passing of the said Act certain servants of the Crown in the Revenue departments are still subject, at the suit of informers and others, to certain very severe penalties in relation to elections for members of Parliament, to which penalties other civil servants of the Crown are not subject :

37 & 38 Vict.
c. 22.

*Qualification
of Revenue
Officers.*

Enactments
in schedule
repealed.

And whereas it is desirable to abolish such penalties:
BE IT ENACTED, as follows:

1. The enactments contained in the schedule to this Act, and any enactments reviving or continuing the same or any of the enactments contained in the schedule to the Act of the thirty-second year of her Majesty, chapter seventy-three, are hereby repealed.

SCHEDULE.

The Statutes of the Realm.

12 & 13 Will. 3, c. 10, s. 89. (a)

9 Anne, c. 11, s. 45. (b)

10 Anne, c. 18, s. 198. (c)

2 & 3 Vict. c. 71, s. 6.

(a) s. 91 in Ruffhead's edition.

(b) c. 10, s. 44, in Ruffhead's edition.

(c) c. 19, s. 182, in Ruffhead's edition.

Of the four Acts contained in this schedule the first three deal with Revenue Officers properly so called. The fourth Act (2 & 3 Vict. c. 71) relates to the Metropolitan Police. See the 6th section at length, p. 21, *ante*. The repeal of that section however did not enfranchise the Metropolitan Police, inasmuch as, perhaps by an oversight, 10 Geo. 4, c. 44, s. 18 (p. 12, *ante*), was not repealed.

39 & 40 Vict.
c. 79. #

Relief from
school fees
no disqualifi-
cation.

39 & 40 Vict. c. 79. Elementary Education Act, 1876.

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

41 Vict. c. 3.

41 Vict. c. 3. An Act to relieve certain occupiers of Dwelling Houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling Houses for short terms. [25th February, 1878.]

"Whereas questions have arisen upon the occupation required by the third section of the Representation of the People Act, 1867:" * BE IT THEREFORE ENACTED, as follows:

* p. 35.

1. This Act shall be cited for all purposes as the House Occupiers Disqualification Removal Act, 1878.

41 Vict. c. 3.

Short title,
Letting
house
furnished for
four months
not to dis-
qualify.

2. From and after the passing of this Act every man shall be entitled to be registered and to vote under the provisions of the said section notwithstanding that during a part of the qualifying period not exceeding four months in the whole he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.

41 & 42 Vict. c. 26.

41 & 42 Vict.
c. 26.

Explanation of
"house," &c.

[For other sections of the Act, see Part II., "Registration of Electors."]
5. In and for the purposes of the Reform Act, 1832, and the Municipal Corporation Acts, the terms "house, warehouse, counting-house, shop, or other building," shall include any part of a house where that part is separately occupied for the purpose of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as "Office," "Chambers," "Studio," or by any like term applicable to the case.

In and for the purposes of the Representation of the People Act, 1867, the term "Dwelling House" shall include any part of a house where that part is separately occupied as a dwelling, and the term "Lodgings" shall include any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house.

"Dwelling-
house."

"Lodgings."

For the purposes of any of the Acts referred to in this section, where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

Separate occu-
pation of part
notwithstand-
ing joint occu-
pation of other
part.

The interpretation contained in this section of "Dwelling House" shall be in substitution for the interpretation thereof contained in section sixty-one of the Representation of the People Act, 1867, but not so as to affect any of the other provisions of the said Act relating to rating.

These definitions were suggested by the difficulties which had arisen in *Ellis v. Burch*, L. R. 6 C. P. 327; 40 L. J. C. P. 169, and *Boon v. Howard*, L. R. 9 C. P. 277; 43 L. J. C. P. 115; 29 L. T. 382; 22 W. R. 535; 2 H. & C. 208, in each of which cases the Court had been equally divided on the question whether certain rooms in a house, not structurally severed from the rest, but separately occupied and rated, were dwelling-houses within the meaning of s. 3 of the Act of 1867 or not. It is clear that structural severance is no longer necessary to constitute either a "house" within s. 27 of the Act of 1832, or a "dwelling-house" within s. 3 of the Act of 1867.

The interpretation of "dwelling-house" in s. 61 of the Act of 1867 was that it should "include any part of a house occupied as a separate dwelling and separately rated to the relief of the poor," but the separate rating of occupiers enjoined by that Act was to a certain extent dispensed with by the Poor Rate Assessment and Collection Act, 1869, p. 46, so that the omission of the words as to separate rating had become necessary.

41 & 42 Vict.
c. 26, s. 6.

"The other provisions" of the Act of 1867 as to rating are especially those of s. 3.

Lodgings.

Additional
lodgings.

Successive
lodgings.

Joint
lodgings.

6. (1.) Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year or in either of those years he has occupied some other rooms or place in addition to his original lodgings.

(2.) For the purpose of qualifying a lodger to vote, the occupation in immediate succession of different lodgings of the requisite value in the same house shall have the same effect as continued occupation of the same lodgings.

(3.) Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified and subject to the conditions of the Representation of the People Act, 1867, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons being such joint lodgers shall be entitled to be registered in respect of such lodgings.

See further as to lodgings, s. 4 of the Act of 1867 and the notes thereto.

Period of
qualification.

7. In every parliamentary borough and in every municipal borough every period of qualification for parliamentary voters and burgesses respectively which is now computed by reference to the last day of July, shall, instead of being so computed, be computed by reference to the fifteenth day of July.

The term "Period of qualification" in this section shall include any period of occupation, residence, possession, receipt of rents and profits, and non-receipt of parochial relief or other alms.

See ss. 27, 31, 32, and 33 of the Act of 1832, *ante*, and ss. 3 and 4 of the Act of 1867, *ante*. By s. 12 of the Registration Act, 1885, *post*, the date of 15th July is also applied in counties.

General
application of
s. 19 of Poor
Rate Act, 1869,
as to entries of
occupier's
name in rate
book.
* p. 49.

14. Whereas by section nineteen of the Poor Rate Assessment and Collection Act, 1869,* the overseers in making out the poor rate are required in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, to enter into the occupier's column of the rate book the name of the occupier of every rateable hereditament, and it is thereby declared that every such occupier shall be deemed to be duly rated for any qualification or franchise as therein mentioned; and whereas doubts have been entertained as to the application of this enactment, and it is expedient to remove them: Be it therefore enacted that the recited enactment shall not be deemed to apply exclusively to cases where an agreement has been made under section three of the same Act, or where an order has been made under section four of the same Act, but shall be of general application.

This section affirms *Smith v. Seghill*, L. R. 10 Q. B. 422.

42 Vict. c. 10. An Act to amend the Poor Rate Assessment and Collection Act, 1869. [23rd May, 1879. **42 Vict. c. 10.**

BE IT ENACTED, as follows :

1. This Act may be cited as the Assessed Rates Act, 1879, and shall be construed as one with the Poor Rate Assessment and Collection Act, 1869, in this Act called the principal Act. Construction.

2. Where by way of commission or abatement or deduction under the principal Act, or purporting or assumed to be under the principal Act, an allowance or deduction has, before the passing of this Act, been or shall hereafter be actually made, the same shall, for the purpose of every qualification or franchise depending upon rating or upon payment of rates, be deemed to have been duly made in pursuance of every or any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, and to have been and to be an allowance or deduction which the overseers were and are empowered to make from the rate under the principal Act ; and no qualification or franchise depending upon rating or upon payment of rates shall be defeated by reason of such allowance or deduction not having been made in pursuance of an agreement in writing, order in writing, or notice in writing, or by reason of the want or insufficiency of any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, or by reason of any informality or defect in the making thereof ; Provided always, that this Act shall not relieve any overseers from any liability which they have incurred or may incur by making an allowance or deduction otherwise than in pursuance of the provisions of the principal Act, or affect any remedy for the recovery of the amount of such allowance or deduction. Effect of allowance or deduction as regards qualification or franchise.

This enactment was passed in consequence of the decision in *Bennett v. Atkins*, 4 C. P. D. 80 (see note to s. 3 of Act of 1869, *ante*).

46 & 47 Vict. c. 35. Diseases Prevention (Metropolis) Act, 1883. **46 & 47 Vict. c. 35.**

7. The admission of a person suffering from infectious disease into any hospital or hospital-ship provided by the managers, or the maintenance of any such person therein, shall not be considered to be parochial relief, alms, or charitable allowance to any person, or to the parent of any person, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification. Admission into metropolitan hospital of infected person no disqualification.

This enactment applies to the metropolis only. There appears to be no corresponding enactment having a general application, in England. In Ireland, by 25 & 26 Vict. c. 83, s. 6, the disqualification does not attach, if the maintenance be paid for by the party.

As to disqualification by medical relief, see s. 36 of the Act of 1832, p. 25, *ante*.

46 & 47 Vict.
c. 51.

Disqualifica-
tion for cor-
rupt practice
at parliamen-
tary election.

46 & 47 Vict. 51. Corrupt and Illegal Practices Preven-
tion Act, 1883. [25th August, 1883.]

6. (3.) A person who is convicted on indictment of any corrupt practice shall (in addition to any other punishment as above provided) be not capable during a period of seven years from the date of his conviction :—

(a) Of being registered as an elector, or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act.

See further ss. 36 and 37 of the Act, *post*, Part V., “The Election,” where the Act is printed at length.

Disqualifica-
tion for illegal
practice at
parliamentary
election.

10. A person guilty of an illegal practice whether under the foregoing section, or under the provisions hereinafter contained in this Act, shall on summary conviction be liable to a fine not exceeding one hundred pounds, and be incapable during a period of five years from the date of his conviction of being registered as an elector, or voting at any election (whether it be parliamentary, or an election for a public office within the meaning of the Act), held for or within the county or borough in which the illegal practice has been committed.

47 & 48 Vict.
c. 70.

Disqualifica-
tion for cor-
rupt practice
at municipal
election.

Disqualifica-
tion for illegal
practice at
municipal
election.

47 & 48 Vict. c. 70. Municipal Elections (Corrupt and
Illegal Practices) Act, 1884. [14th August, 1884.]

2. (2.) A person who commits any corrupt practice in reference to a municipal election shall be guilty of the like offence, and shall on conviction be liable to the same punishment, and subject to the like incapacities as if the corrupt practice had been committed in reference to a parliamentary election.

7. A person guilty of an illegal practice in reference to a municipal election, shall on summary conviction be liable to a fine not exceeding one hundred pounds, and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act), held for or within the borough in which the illegal practice has been committed.

48 Vict. c. 3.

48 Vict. c. 3.

REPRESENTATION OF THE PEOPLE ACT, 1884.

An Act to amend the Law relating to the Representation of the People of the United Kingdom.

[6th December, 1884.]

BE IT ENACTED, as follows :

Preliminary.

1. This Act may be cited as the Representation of the People Act, 1884.

Short title of Act.

The Acts of 1832 and 1867 dealt with electoral areas as well as with electoral qualifications. The present Act deals with electoral qualifications only, electoral areas being dealt with by the separate Redistribution of Seats Act, 1885, *post*, Part III., "Electoral Areas," p. 257.

The new qualifications conferred by this Act are (1) the dwelling-house qualification, and (2) the lodgings qualification in counties, and (3) the qualification by constructive tenancy by an office or service occupation in counties and boroughs; and there is also (4) a reduced qualification from £12 to £10 by land or tenement occupation in counties.

The restrictions established by the Act are upon (1) the rent-charge qualification, and (2) the joint ownership qualification.

Extension of the Household and Lodger Franchise.

2. A uniform household franchise and a uniform lodger franchise at elections shall be established in all counties and boroughs throughout the United Kingdom, and every man possessed of a household qualification or a lodger qualification shall, if the qualifying premises be situate in a county in England or Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county, and if the qualifying premises be situate in a county or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such county or borough.

Uniform household and lodger franchise.

The two new qualifications in counties by (1) the residential occupation of a dwelling-house and (2) the residential occupation of lodgings are conferred by this single section, for the full meaning of which reference must be had to s. 7, subs. 1 and 3, and to ss. 3 and 4 of the Act of 1867, in order to see what is meant by "household qualification" and "lodger qualification" respectively.

Household qualification.] By virtue of s. 7, subs. 1, and s. 11 this means the qualifications under s. 3 of the Act of 1867 as amended by s. 5 of the Act of 1878, p. 55, which qualification consists of, shortly (1) full age and legal capacity, (2) twelve months' residence in a dwelling-house separately occupied as such prior to any 15th July, (3) having been rated, personally or a landlord, prior to any 15th July, and (4) having paid prior to a 20th July personally, or by a landlord, the rates payable up to a 5th January. All the many cases cited in the note to s. 3 of the Act of 1867, *ante*, p. 35, will apply to the present section, which opens with the enactment that the "household franchise" is to be uniform" in counties and boroughs.

Lodger qualification.] By virtue of s. 7, subs. 3, and s. 11, *post*, this means the qualification under s. 4 of the Act of 1867, as amended by s. 5 of the Act

48 Vict. c. 3,
s. 2.

*Household and
Lodger
Franchise in
Counties.*

of 1878, which qualification consists of, shortly, (1) full age and legal capacity, (2) having resided either solely or with one other person for twelve months prior to any 15th July in any lodgings of the unfurnished yearly value of £10 (or £20 if the occupation be joint) in the same dwelling-house, and (3) having claimed to be registered.

All the many cases cited in the note to s. 4 of the Act of 1867, *ante*, will apply to the present section, which enacts that there shall be a "uniform lodger franchise" in counties and boroughs.

In a county.] For the county electoral areas, see Redistribution of Seats Act, 1885, s. 9, and Sched. 7, Part III., "Electoral Areas."

Shall be entitled to be registered.] Without registration the qualification is practically worthless. See s. 79 of the Registration Act, 1843, *post*, Part II., "Registration of Electors," and see also s. 7 of the Ballot Act, 1872, *post*, Part V., "The Election."

Scotland and Ireland.] As elsewhere in this book the parts of the various statutes which relates to Ireland are as a rule omitted.

Tenure of
house by
office or
service not
to invalidate
vote.

3. Where a man himself inhabits any dwelling house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he shall be deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling house as a tenant.

As to registration in 1885, see s. 10 of the Registration Act, 1885, p. 173.

This enactment newly qualifies a large number of officials and servants by the method of enacting that for the purpose of conferring the new qualification there shall be a tenancy in law though there may be no tenancy in fact. It had been held both under s. 27 of the Act of 1832 (*Clark v. Bury St. Edmund's Overseers*, 26 L. J. C. P. 12), and the similarly worded s. 3 of the Act of 1867 (*Fox v. Dalby*, L. R. 10 C. P. 285), that officials and servants in the ordinary sense of the term had no occupation "as tenant," the rule being that if the occupation were required of them for the purpose of the office or service they were not "tenant," but that if it were not so required, they were: *Hughes v. Chatham Overseers*, 5 M. & G. 54. This distinction is now abolished, and the only remaining restriction upon the qualification gained by this kind of occupation is, that the dwelling-house must not be inhabited "by any person under whom" the party serves. In ordinary cases there will be little difficulty in deciding upon claims under this section, but it must be borne in mind that by virtue of the application of s. 5 of the Act of 1878 by s. 11 of this Act "dwelling-house" includes any part of a house separately occupied as a dwelling, and difficult cases may occur in respect of the occupation of a single room by coachmen and others. As to the test in such cases, see and consider the "Instructions in case of what is commonly called the Service Franchise" in Form A. of Schedules 2 and 3 of the Registration Act, 1885, pp. 196, 218.

As to constructive rating of servants' houses and official and other residences, see s. 9, subs. 8, *post*.

Prohibition of the Multiplication of Votes.

Restriction
on fagot-
votes.

4. Subject to the saving in this Act for existing voters, the following provisions shall have effect with reference to elections:—

- (1.) A man shall not be entitled to be registered as a voter in respect of the ownership of any rentcharge except the owner of the whole of the tithe rentcharge of a rectory, vicarage, chapelry, or benefice to which an apportionment of tithe rentcharge shall have been made in respect of any portion of tithes.

(2.) Where two or more men are owners either as joint tenants or as tenants in common of an estate in any land or tenement, one of such men, but not more than one, shall, if his interest is sufficient to confer on him a qualification as a voter in respect of the ownership of such estate, be entitled (in the like cases and subject to the like conditions as if he were the sole owner) to be registered as a voter, and when registered to vote at an election. 48 Vict. c. 3.

Provided that where such owners have derived their interest by descent, succession, marriage, marriage settlement, or will, or where they occupy the land or tenement, and are *bonâ fide* engaged as partners carrying on trade or business thereon, each of such owners whose interest is sufficient to confer on him a qualification as a voter shall be entitled (in the like cases and subject to the like conditions as if he were sole owner) to be registered as a voter in respect of such ownership, and when registered to vote at an election, and the value of the interest of each such owner where not otherwise legally defined shall be ascertained by the division of the total value of the land or tenement equally among the whole of such owners.

Subject to the saving.] See s. 10, which preserves existing rights to persons who had been registered on or before the 6th December, 1884—the date of the passing of the Act.

(1.) *Any rent-charge.]* Rent-charges are within the expression “free land or tenement” in 8 Hen. 8, c. 7. See that Act, and note p. 1, *ante*. As the qualification under that Act need only be of the yearly value of forty shillings, rent-charges could be conveniently created, and have in many cases been created for the mere purpose of creating the qualification. For the future this will be impossible.

(2.) *Where two or more men.]* This restriction upon the multiplication of votes is a return to the law of 7 & 8 Will. 3, c. 25, s. 7, *ante*, p. 4, never expressly repealed, but impliedly superseded by s. 29 of the Reform Act, 1832, *ante*, p. 19.

Of an estate.] This expression shows that the enactment applies to ownership voters only, and see also s. 27 of the Act of 1867 and s. 5 of the Act of 1878, which it would have been necessary to repeal if it had been intended that this enactment should apply to other than ownership voters.

One of such men, but not more than one.] Compare the restriction of the vote to two out of many joint occupiers under s. 27 of the Act of 1867, *ante*, p. 42, and the restriction to two out of many lodgers by s. 5 of the Parliamentary and Municipal Registration Act, 1878, *ante*, p. 55, but neither those enactments nor s. 28 of the Act of 1878, nor s. 4 of the Registration Act, 1885, *ante*, nor any other enactments, nor any cases, so far as the editors are aware, throw any light upon the very difficult question what is to happen if the “two or more men” are not agreed upon a representative man amongst their number, and all of them wish to be registered. The only solution which the editors can suggest is the rough one that the first man in order who succeeds in establishing his claim before the Revising Barrister upon a list arranged in alphabetical order (see s. 9 of County Precept in Sched. 2 of the Registration Act, 1885) is entitled to be registered as against his alphabetical successors.

If his interest is sufficient.] See 8 Hen. 6, c. 7, *ante*, Act of 1832, *ante*, and Act of 1867, *ante*.

48 Vict. c. 3.

To be registered.] See Part II. "Registration of Electors."

Provided that where, &c.] This proviso follows that of s. 27 of the Act of 1867. It is conceived that the burden of proving a title to registration by virtue of the proviso will lie upon those who wish to take advantage of it.

Assimilation of Occupation Qualification.

Assimilation
of occupation
qualification.

5. Every man occupying any land or tenement in a county or borough in the United Kingdom of a clear yearly value of not less than ten pounds shall be entitled to be registered as a voter, and when registered to vote at an election for such county or borough in respect of such occupation subject to the like conditions respectively as a man is, at the passing of this Act, entitled to be registered as a voter and to vote at an election for such county in respect of the county occupation franchise, and at an election for such borough in respect of the borough occupation franchise.

This section reduces the £12 county occupation qualification conferred by s. 6 of the Act of 1867 to £10, being the borough occupation qualification conferred by s. 27 of the Act of 1832, and repeals the £10 qualification for boroughs, s. 27 of the Act of 1832 and s. 6 of the Act of 1867 being further for the sake of uniformity repealed by s. 12, subject to an ordinary saving for existing rights, and also the very important and peculiar saving for the "conditions" applicable to the franchises conferred by these sections; and the present section confers the qualification conferred by it, subject also to the like "conditions." The result is that s. 27 of the Act of 1832 and s. 6 of the Act of 1867, though technically repealed, are practically preserved except (1) as to the amount of the qualification in s. 6 of the Act of 1867, and (2) as to so much of either section as does not contain "conditions." How much that is, it may be a matter of difficulty to determine. See note to s. 27 of the Act of 1832, p. 18, on the doubtful points.

The following are clearly conditions under s. 27 of the Act of 1832:—

1. Full age and legal capacity.
2. Occupation for twelve months prior to any 15th July.
3. Having been rated to poor rate during such time.
4. Payment of all poor rates and assessed taxes payable prior to 5th January.
5. Residence within borough for six months prior to any 15th July.

The conditions under s. 6 of the Act of 1867 are similar, except that "residence" in the county is not expressly required, and there is no condition for the payment of taxes.

"Land or Tenement."] This is defined by s. 11 of the Act to include "any part of a house separately occupied for the purpose of any trade, business, or profession," which partly repeats but may be read together with the definition of s. 5 of the Act of 1878, that definition not being expressly repealed.

County Occupation Franchise.] See s. 7, subs. 6, *infra*.

Supplemental Provisions.

No vote for
county in
respect of
occupation
in borough.

6. A man shall not by virtue of this Act be entitled to be registered as a voter or to vote at any election for a county in respect of the occupation of any dwelling house, lodgings, land, or tenement, situate in a borough.

This section repeats with the necessary additions and in varied language the enactment in *pari materia* of s. 24 of the Act of 1832 (*ante*, p. 15), the cases in which will apply. The Act of 1867 contained not similar enactment.

7. (1.) In this Act the expression "a household qualification" means, as respects England and Ireland, the qualification enacted by the third section of the Representation of the People Act, 1867,* and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in England and to counties and boroughs in Ireland.

48 Vict. c. 3.

Definition of
"household
qualification."

* p. 35.

(2.) [Ireland.]

(3.) The expression "a lodger qualification" means the qualification enacted, as respects England, by the fourth section of the Representation of the People Act, 1867,† and the enactments amending or affecting the same, and as respects Ireland, by the fourth section of the Representation of the People (Ireland) Act, 1868, and the enactments amending or affecting the same, and the said section of the English Act of 1867, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in England and Ireland.

"Lodger
qualification."

† p. 37.

(4.) [Scotland.]

(5.) [Scotland.]

(6.) The expression "county occupation franchise" means, as respects England, the franchise enacted by the sixth section of the Representation of the People Act, 1867;‡ and [Scotland], and [Ireland.]

"County
occupation
franchise."

‡ p. 39.

(7.) The expression "borough occupation franchise" means as respects England the franchise enacted by the twenty-seventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five;§ and [Scotland] and [Ireland].

"Borough
occupation
franchise."

§ p. 17.

(8.) Any enactments amending or relating to the county occupation franchise or borough occupation franchise other than the sections in this Act in that behalf mentioned shall be deemed to be referred to in the definition of the county occupation franchise and the borough occupation franchise in this Act mentioned.

Household Qualification.] See s. 4, and note.

Lodger Qualification.] See s. 4, and note.

County Occupation Franchise.] See s. 5, and note.

Borough Occupation Franchise.] See s. 5, and note.

8. (1.) In this Act the expression "the Representation of the People Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the representation of the people, inclusive of the Registration Acts as defined by this Act.

Definition of
"Repre-
sentation of
the People
Acts."

(2.) The expression "the Registration Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the registration of persons entitled to vote at elections for counties and boroughs, inclusive of the Rating Acts as defined by this Act.

"Registra-
tion Acts."

48 Vict. c. 3.
s. 8.

*Definition of
"Representation of the
People Acts,"
&c.*

(3.) The expressions "the Representation of the People Acts" and "the Registration Acts" respectively, where used in this Act, shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the enactments for the time being in force in that part.

(4.) All enactments of the Registration Acts which relate to the registration of persons entitled to vote in boroughs in England in respect of a household or a lodger qualification, and [Ireland] shall, with the necessary variations and with the necessary alterations of precepts, notices, lists, and other forms, extend to counties as well as to boroughs.

[(5) and (6.) Ireland and Scotland.]

Definition and
application of
"Rating Acts."

9. (1.) In this Act the expression "the Rating Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the placing of the names of occupiers on the rate book, or other enactments relating to rating in so far as they are auxiliary to or deal with the registration of persons entitled to vote at elections; and the expression "the Rating Acts" where used in this Act shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the Acts for the time being in force in that part.

Inquiry by
overseers as to
inhabitant
occupiers of
dwelling-
houses.

(2.) In every part of the United Kingdom it shall be the duty of the overseers annually, in the months of April and May, or one of them, to inquire or ascertain with respect to every hereditament which comprises any dwelling house or dwelling houses within the meaning of the Representation of the People Acts, whether any man, other than the owner or other person rated or liable to be rated in respect of such hereditament, is entitled to be registered as a voter in respect of his being an inhabitant occupier of any such dwelling house, and to enter in the rate book the name of every man so entitled, and the situation or description of the dwelling house in respect of which he is entitled, and for the purposes of such entry a separate column shall be added to the rate book.

Service of
requisition
by overseers.

(3.) For the purpose of the execution of such duty, the overseers may serve on the person who is the occupier or rated or liable to be rated in respect of such hereditament, or on some agent of such person concerned in the management of such hereditament, the requisition specified in the Third Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the overseers within twenty-one days after such service; and if any such person or agent on whom such requisition is served fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding forty shillings, and any overseer who fails to perform his duty under this section shall be deemed guilty of a breach of duty in the execution of the Registration Acts, and shall be liable to be fined accordingly a sum not exceeding forty shillings for each default.

(4.) The notice under this section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of nonpayment of rates, and, where a body of persons, corporate or unincorporate, is rated, shall be served on the secretary or agent of such body of persons; and where the hereditament by reason of belonging to the Crown or otherwise is not rated, shall be served on the chief local officer having the superintendence or control of such hereditament.

48 Vict. c. 3,
s. 9.

Rating.

(5.) [Scotland.]

(6.) [Scotland.]

(7.) [Ireland.]

(8.) Both in England and Ireland where a man inhabits any dwelling house by virtue of any office, service, or employment, and is deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling house as a tenant, and another person is rated or liable to be rated for such dwelling house, the rating of such other person shall for the purposes of this Act and of the Representation of the People Acts be deemed to be that of the inhabitant occupier; and the several enactments of the Poor Rate Assessment and Collection Act, 1869, and other Acts amending the same referred to in the First Schedule to this Act, shall for those purposes apply to such inhabitant occupier, and in the construction of those enactments the word "Owner" shall be deemed to include a person actually rated or liable to be rated as aforesaid.

Service occu-
pation.

(9.) In any part of the United Kingdom where a man inhabits a dwelling house in respect of which no person is rated by reason of such dwelling house belonging to or being occupied on behalf of the Crown, or by reason of any other ground of exemption, such person shall not be disentitled to be registered as a voter, and to vote by reason only that no one is rated in respect of such dwelling house, and that no rates are paid in respect of the same, and it shall be the duty of the persons making out the rate book or valuation roll to enter any such dwelling house as last aforesaid in the rate book or valuation roll, together with the name of the inhabitant occupier thereof.

Crown, &c.,
occupation.

(1.) *The Rating Acts.*] The English enactments now (August, 1885) in force, which are referred to as the Rating Acts, appear to be: 14 & 15 Vict. c. 14, *post*, Part II., the Poor Rate Assessment and Collection Act, 1869, *ante*, p. 146, and the Assessed Rates Act, 1879, *ante*, p. 56; but see Sched. 1, and note to sub. (8.) of this section.

(2.) *It shall be the duty of the Overseers.*] The duty of making inquiries as to inhabitant occupiers of dwelling houses appears to be thrown upon the overseers for the purpose of aiding them in the performance of the duty imposed upon them by s. 13 of the Parliamentary Registration Act, 1843 (as amended and applied to counties by s. 30 of the Representation of the People Act, 1867, p. 127, and s. 1 of the Registration Act, 1885, p. 165, and see p. 187), of placing upon the register persons entitled to be registered under s. 3 of the Act of 1867, and s. 2 of the Act of 1884. As to mode of making the inquiry in years subsequent to 1885, see ss. 23-25 of Part II. of Sched. 2 to the Regis-

48 Vict. c. 3,
s. 9.

Rating.

tration Act, 1875 (Counties), and ss. 23–25 of Part II. of Sched. 3 to the same Act (Boroughs).

(3.) *The Overseers may serve.*] By subs. (2) the overseers have the duty legally imposed upon them of inquiring as therein mentioned, and the present subsection merely suggests a mode, permissive and not obligatory, in which the inquiry may be carried out: the special direction being given in s. 25 of the precepts contained in Scheds. 2 and 3 of the Registration Act, 1885, that the requisition specified in Sched. 3 should not be served unless the overseers have reasonable ground to believe that there is some inhabitant occupier entitled to vote beside the person on whom the requisition would be served.

He shall be liable on summary conviction.] There is no general section in the Act similar to s. 54 of the Corrupt Practices Act, 1883, and to other enactments regulating the mode of Procedure, and it is doubtful whether and how far the Summary Jurisdiction Acts of 1848 (11 & 12 Vict. c. 49) and of 1879 (42 & 43 Vict. c. 49) could be held to apply so as to give justices of the peace jurisdiction to convict. If they apply, there is no appeal from justices to quarter sessions.

Guilty of a breach of duty.] See s. 28 of the Registration Act, 1868, and s. 51 of the Registration Act, 1843, *post*, Part II., “Registration of Electors.” The fine of forty shillings would seem to be the only penalty to which the overseers would be liable, and it would be in the discretion of the revising barrister to impose it or not. The performance of the duty could also perhaps be enjoined by mandamus.

(4.) *The notice may be served in manner provided by the Representation of the People Acts.*] See s. 28 of the Act of 1867, p. 126, *post*, and s. 10 of the Parliamentary and Municipal Registration Act, p. 143, *post*.

(8.) *Service occupation.*] See s. 3, and notes thereto.

And the several enactments, &c.] On reference to the first schedule it will be seen that the heading is “Enactments applied to Ireland;” but there is no doubt that the wording of the latter part of this section is general, and but for the heading would apply those enactments to England also. A heading is part of a statute (see *Eastern Counties Rly. Co. v. Marriage*, 9 H. L. 41), in which case, however, the heading was grammatically connected with the part headed. The doubts whether the section or the schedule is to prevail are of little moment, as the enactments scheduled apply to England by virtue of s. 11, and the “modification” of s. 27 of the Representation of the People Act described in the note must in any case be disregarded in respect to England, as is shown by Forms C., No. 1, in the schedules to the Registration Act, 1885, not altering the dates in pursuance of the modification.

(9.) *Crown occupation.*] Premises belonging to, or occupied on behalf of, the Crown are not rateable: *Amherst v. Somers*, 2 T. R. 372; this exemption extending to include assize courts: *Reg. v. St. Martin's Leicester*, L. R. 2 Q. B. 493; 36 L. J. M. C. 99; 16 L. T. 625; 16 W. R. 1096; and post offices: *Smith v. Birmingham Guardians*, 7 E. & B. 483; 25 L. J. M. C. 105; nor is property not capable of being beneficially occupied: *Reg. v. Metropolitan Board of Works*, L. R. 4 Q. B. 15; but with these two exceptions all property, though held for public purposes and though not actually beneficial to the occupier, is rateable: *Jones v. Mersey Docks*, 11 H. L. 443; 35 L. J. M. C. 1, unless it be specially exempted by statute, as is the case with scientific and literary institutions, under 6 & 7 Vict. c. 36 (as to which see *Reg. v. Institution of Civil Engineers*, 5 Q. B. D. 48), and with Sunday and ragged schools, under 32 & 33 Vict. c. 40, under which the rating authority has a discretion either to rate such schools or not: *Bell v. Crane*, L. R. 8 Q. B. 481.

Saving
for existing
rights.

10. Nothing in this Act shall deprive any person (who at the date of the passing of this Act is registered in respect of any qualification to vote for any county or borough), of his right

to be from time to time registered and to vote for such county or borough in respect of such qualification in like manner as if this Act had not passed.

48 Vict. c. 3,
s. 10.

Savings.

Provided that where a man is so registered in respect of the county or borough occupation franchise by virtue of a qualification which also qualifies him for the franchise under this Act, he shall be entitled to be registered in respect of such latter franchise only.

Nothing in this Act shall confer on any man who is subject to any legal incapacity to be registered as a voter or to vote, any right to be registered as a voter or to vote.

The Act was passed on the 6th of December, 1884. The qualifications preserved by this section are the qualification by rent-charge and the qualification by tenancy in common and joint tenancy, both taken away for the future by s. 4 of the Act, *ante*.

Legal incapacity.] See note to s. 3 of the Act of 1867, *ante*.

11. This Act, so far as may be consistently with the tenor thereof, shall be construed as one with the Representation of the People Acts as defined by this Act; and the expressions "Election," "County," and "Borough," and other expressions in this Act and in the enactments applied by this Act, shall have the same meaning as in the said Acts.

Construction
of Act.

Provided that in this Act and the said enactments—

The expression "Overseers" includes assessors, guardians, clerks of unions, or other persons by whatever name known, who perform duties in relation to rating or to the registration of voters similar to those performed in relation to such matters by overseers in England.

"Overseers."

The expression "Rent-charge" includes a fee farm rent, a feu duty in Scotland, a rent seck, a chief rent, a rent of assize, and any rent or annuity granted out of land.

"Rent-charge."

The expression "Land or Tenement" includes any part of a house separately occupied for the purpose of any trade, business, or profession, and that expression, and also the expression "Hereditament," when used in this Act, in Scotland includes "land and heritages."

"Land or Tenement."

The expressions "Joint Tenants" and "Tenants in Common" shall include "pro indiviso proprietors."

[Scotland and Ireland.]

For definition of "Representation of the People Acts," see s. 8, subs. 3, *ante*.

Land or Tenement.] See s. 5 and note, *ante*.

12. Whereas the franchises conferred by this Act are in substitution for the franchises conferred by the enactments mentioned in the first and second parts of the Second Schedule hereto, be it enacted that the Acts mentioned in the first part of the said Second Schedule shall be repealed to the extent in the third column of that part of the said schedule mentioned

Repeal of
ss. 20, 27 of Act
of 1832, and
of s. 6 of Act
of 1867.

48 Vict. c. 3,
s. 12.

Repeals.

except in so far as relates to the rights of persons saved by this Act; and the Acts mentioned in the second part of the said Second Schedule shall be repealed to the extent in the third column of that part of the said schedule mentioned except in so far as relates to the rights of persons saved by this Act and except in so far as the enactments so repealed contain conditions made applicable by this Act to any franchise enacted by this Act.

The superseded sections are s. 27 of the Reform Act, 1832, and s. 6 of the Representation of the People Act, 1867; and, inasmuch as these repealed sections contains "conditions as to period of occupation, &c.," of vital importance, the repeal is to a great extent a nominal repeal only. See notes to s. 27 of the Act of 1832, and s. 6 of the Act of 1867.

Commence-
ment of Act
on 1st of Jan.,
1885.

13. This Act shall commence and come into operation on the first day of January one thousand eight hundred and eighty-five:

Provided that the register of voters in any county or borough in Scotland made in the last-mentioned year shall not come into force until the 1st of January, 1886, and until that day the previous register of voters shall continue in force.

By s. 10 of the Registration Act, 1885, any inhabitant occupier within the meaning of s. 3 of this Act "shall be qualified to be registered" as if the provisions of this Act had been in force throughout 1884, and had been duly carried into effect.

By s. 31 of the Redistribution of Seats Act, 1885, the Register in Scotland made in 1885 comes into force on 1st of November, 1885.

Section 9.

FIRST SCHEDULE.

ENACTMENTS APPLIED TO IRELAND.

Session and Chapter.	Title.	Enactments applied.
32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act, 1869.	Section seven; section eight; section nine; section ten, and the enactment of the Representation of the People Act, 1867, therein referred to; section nineteen; section twenty, so far as regards the definition of the word "owner."
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	Section fourteen.
42 & 43 Vict. c. 10.	The Assessed Rates Act, 1879.	The whole Act.

MODIFICATIONS.

48 Vict. c. 3,
Schedules 1
and 2.

Any penalty recoverable on summary conviction may be recovered in accordance with the law relating to summary convictions in Ireland.

In the above-mentioned enactment of the Representation of the People Act, 1867, the thirty-first day of December shall be substituted for the fifth day of January, the first day of May for the first day of June, and the twentieth day of May for the twentieth day of June.

Editors' Note.] See note to s. 9 as to the application of this schedule to England. The "above-mentioned" enactment of Act of 1867 is s. 28 as to giving notice of rates in arrear. See that section, p. 126.

SECOND SCHEDULE.

Section 12.

PART I.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4, c. 45. [Scotland.]	An Act to amend the Representation of the People in England and Wales.	Section twenty, the words "or who shall occupy as tenant any lands or tenements for which he shall be <i>bond fide</i> liable to a yearly rent of not less than fifty pounds."

PART II.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4. c. 45. [Scotland.] [Ireland.]	An Act to amend the Representation of the People in England and Wales.	Section twenty-seven.
30 & 31 Vict. c. 102. [Scotland.] [Ireland.]	The Representation of the People Act, 1867.	Section six.

48 Vict. c. 15. Registration Act, 1885.48 Vict. c. 15,
ss. 10, 12, 15.[For other sections, see *post*, Part II., "Registration of Electors."]

10. Any person deemed to be an inhabitant occupier under section three of the Representation of the People Act, 1884, shall be qualified to be registered as if the provisions of that Act had been in force throughout the year 1884, and had been carried into effect.

Operation of
Act of 1884
throughout
1884.

12. Whereas by section seven of the Parliamentary and Municipal Registration Act, 1878,* it is provided that every period of qualification for parliamentary voters in parliamentary boroughs which was then computed by reference to the last day of July should be computed by reference to the fifteenth day of July, and the said enactment extends to occupation voters in parliamentary counties, and it is expedient to extend the same enactment to all other voters in parliamentary counties: Be it therefore enacted as follows:—

Period of
qualification in
counties.

* p. 56.

Every period of qualification as defined by the said Act for any voter in a parliamentary county which is now computed by reference to the last day of July shall, instead of being so computed, be computed by reference to the 15th day of July.

15. From and after the passing of this Act, section seventy-eight of the Act of Parliament passed in the second year of the reign of his Majesty King William the Fourth shall be and the same is hereby repealed.

Repeal of
s. 78 of
Reform Act,
1832, as to
Universities.

Provided that no person shall be prevented by any other Act from being registered as a parliamentary voter in respect of his occupation of any chambers or premises in any of the colleges or halls of the Universities of Oxford or Cambridge.

The 78th section of the Reform Act, 1832, *ante*, p. 27, repealed by this section, provides that nothing in that Act shall entitle any person to vote for the city of Oxford or the town of Cambridge "in respect of the occupation of any chambers or premises in any of the colleges or halls of the Universities of Oxford or Cambridge." That section applies to the qualifications under the Act of 1867: *Bakewell v. Peters*, L. R. 4 C. P. 539; 38 L. J. C. P. 266; 17 W. R. 970; 1 Colt. 251; and the occupier of a set of rooms within that section occupies a "dwelling-house," not "lodgings," *ib*.

Shall not be prevented by any other Act.] It is conceived that any other Act *in pari materia* is intended to be referred to, *i.e.* any other Act, such as the Act of 1878, s. 48, p. 162, and the Cambridge Award Act, 1856, 19 Vict. c. xvii. s. 35, by which "no member of the University [of Cambridge] or of any College shall, by reason of any rate on the property occupied by the University or by the College, be entitled to be registered as an elector of the borough," disqualifying the university men as such, and not any Act affixing qualifications such as full age and a certain period of residence to electors in general. The question, therefore, may perhaps arise in some cases how far an undergraduate being *in statu pupillari*, and who, therefore, though having exclusive possession of his rooms in law, might in some cases occupy them in fact during term time by leave only from the college authorities, can acquire a residential qualification. See, on this point, *Ford v. Hart*, L. R. 9 C. P. 273, and other cases cited in the notes to s. 27 of the Act of 1832 and s. 3 of the Act of 1867.

48 & 49 Vict.
c. 23.

48 & 49 Vict. c. 23. [Redistribution of Seats Act, 1885.]

[For other sections of this Act, see *post*, Part IV., "Electoral Areas."]

Successive
occupation
in divided
borough.

10. The occupation in immediate succession of different premises situate within a parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (otherwise than as a lodger), have the same effect, as if all such premises were situate in that division of the borough, in which the premises occupied by such person at the end of the period of qualification are situate.

See s. 28 of the Act of 1832, p. 19, s. 26, of the Act of 1867, p. 42, and as lodgers, see s. 6 of the Act of 1878, p. 56, from which it will be seen that the *lodger's* "successive occupation" must be of lodgings in the same house.

Enfranchise-
ment of certain
persons dis-
qualified for
corrupt prac-
tices.

27. The Acts mentioned in the first part of the Eighth Schedule to this Act, whereby certain persons reported guilty of corrupt practices are declared not to have certain rights of voting, are hereby repealed to the extent in the third column of that schedule mentioned.

The English Acts mentioned in the first part of the Eighth Schedule are the Act of 1867, ss. 13, 14, 15, and 16 (p. 41), as to persons in Totnes, Great Yarmouth, Lancaster, and Reigate; 33 & 34 Vict. c. 21, ss. 2, 3, 4, and 5, as to persons in Bridgwater and Beverley; and 33 & 34 Vict. c. 25, and 34 & 35 Vict. c. 77, as to persons in Norwich.

Disqualifica-
tion of certain
voters for cor-
rupt practices.

28.—(1.) Whereas commissioners appointed by her Majesty, in pursuance of addresses from both Houses of Parliament in the year one thousand eight hundred and eighty, reported that at Parliamentary elections for the boroughs named in the second part of the Eighth Schedule to this Act, the persons named in the schedules to the said reports had been guilty of corrupt practices, be it therefore enacted, that—

Where in any of the schedules to the said reports a person is named as having been guilty of any bribery, treating, or personation at an election held in the year one thousand eight hundred and eighty for the parliamentary borough therein mentioned, that person shall be incapable during the period of seven years next after the presentation of the said reports respectively:

(a.) Of being registered as a voter and of voting at any parliamentary election for the county or division of a county in which the said borough, or any part thereof, is situate, in respect of any qualification situate within the borough: and

(b.) If the parliamentary borough continues to return a member or members to serve in Parliament, of being registered as a voter and of voting, at any parliamentary election for such borough.

(2.) Section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, shall apply to every person disqualified under this section for being registered as a voter.

(3.) Any person named in any of the said schedules to the said commissioners' reports against whom any criminal proceeding has been instituted for the corrupt practice referred to in the schedule, within the time limited for the purpose, and who has been acquitted, shall not be subject to any disqualification under this Act.

48 & 49 Vict.
c. 23.

(4.) Any copy of a report of the said commissioners, and of the schedules annexed to that report, if purporting to be printed by any printer to her Majesty, or under the authority of her Majesty's Stationery Office, shall be sufficient evidence of the said report and schedules.

The boroughs named in the second part of the eighth schedule are Boston, Canterbury, Chester, Gloucester, Knaresborough, Macclesfield, Oxford, and Sandwich.

48 & 49 Vict. c. 46.

48 & 49 Vict.
c. 46.

An Act to Prevent Medical Relief disqualifying a person from voting. [6th August, 1885.]

BE IT ENACTED, as follows; (that is to say,)

1. This Act may be cited as "The Medical Relief Disqualification Removal Act, 1885."

Short title.

It was stated by Mr. Balfour in the House of Commons that from statistics collected by the Local Government Board it appeared that the number of persons receiving medical without other outdoor relief would be on an average about two in a thousand.

2.—(1.) Where a person has in any part of the United Kingdom received for himself, or for any member of his family, any medical or surgical assistance,* or any medicine at the expense of any poor rate, such person shall not by reason thereof be deprived of any right to be registered or to vote either—

Medical relief
not to dis-
qualify.

* s. 4.

- (a.) as a parliamentary voter; or
- (b.) as a voter at any municipal election; or
- (c.) as a burgess; or
- (d.) as a voter at any election to an office under the provisions of any statute;

but nothing in this section shall apply to the election—

- (a.) of any guardian of the poor; or
- (b.) of any member of any parochial board in Scotland; or
- (c.) of any other body acting in the distribution of relief to the poor from the poor rate.

(2.) Every person shall be qualified to be registered as a voter and to vote as aforesaid who would be so qualified if the provisions of this Act had come into force on the fifteenth day of July one thousand eight hundred and eighty-four.

Medical relief would have been but for this Act "parochial relief," so as to disqualify under s. 36 of the Reform Act, 1832, p. 25, and s. 40 of the Act

48 & 49 Vict.
c. 46.

of 1867, p. 43, which applied s. 36 of the Act of 1832 to counties, and the disqualification resulted from relief to a man's family (see ss. 56 and 57 of the Poor Law Amendment Act, 1834, 4 & 5 Will. 4, c. 76, cited in the note to s. 36 of the Reform Act, 1832, p. 25), as well as from relief to himself.

At the expense of any poor rate.] These words will make the Act applicable to patients in hospitals provided under s. 131 of the Public Health Act, 1875, 38 & 39 Vict. c. 55; but will prevent the removal of the disqualification in the case of persons receiving medical relief from hospitals supported by voluntary contributions, such persons being apart from this Act disqualified as recipients of "alms." As to treatment in metropolitan hospitals, see 46 & 47 Vict. c. 35, s. 7, p. 57, *ante*.

Fifteenth of July.] The 15th of July, 1884, was the first day of the "qualifying period" for registration in 1885. See s. 7 of the Act of 1878, p. 56, and s. 12 of the Registration Act, 1885, p. 173, and the references in the notes thereto.

Registration in
1885.

Overseers to
publish list of
persons
objected to or
omitted for
medical relief.

3.—(1.) In the year one thousand eight hundred and eighty-five, in England, where the overseers have entered "objected" against the names of any persons in the list of ownership voters or in the old lodgers list, or have omitted the names of any voters from any list of voters made by them, and such entry or omission has been made on the ground only of those persons having received such medical or surgical assistance or medicine as in this Act mentioned, and such names would not if this Act had previously passed have been so objected to or omitted, the overseers shall make a list of such persons, and such list shall be published, revised, and dealt with in all respects as if it were part of the list of claimants in respect of the occupation of property with the qualifications following (namely):—

Revising barrister to retain
names unless
objected to.

The revising barrister shall, without the appearance of or any proof by any such person, retain his name in the list made by the overseers under this section, unless he is objected to, and the objector proves that such person is not entitled to be registered; and if such objection is made the revising barrister shall, notwithstanding the absence of the said person, take the evidence of the overseers as to his right to be registered.

Claim by
person omitted.

Any person whose name ought to have been inserted in the list made by the overseers under this section, and has been omitted therefrom, may claim to have his name inserted in the lists of voters by giving to the overseers, within six days after the publication of such lists, notice of such claim in the manner and form provided by law with respect to other claims, and the overseers shall produce all such claims to the revising barrister, and he shall revise and deal with the same in like manner as with ordinary claims.

Insertion of
names in
register.

(2.) The clerk of the peace or town clerk shall insert in their proper place in the register the names of the persons in the said list, when revised.

Precepts to
overseers.

(3.) Every clerk of the peace and town clerk acting under the Acts relating to the registration of parliamentary voters shall forthwith after the passing of this Act issue precepts to

the overseers informing them of their duties under it; provided that this Act shall not be construed to create any disability where such disability does not now exist.

48 & 49 Vict.
c. 46.

The object of this section is to give effect to subs. 2 of s. 2, which merely qualifies for registration, seeing that unless the persons objected to or omitted, as mentioned in this section, are registered, they will not become entitled to vote. See s. 7 of the Ballot Act, 1872, p. 435.

Where the overseers have entered "objected to."] As to objections by overseers to ownership voters, see s. 5 of the Registration Act, 1843, p. 76; and as to objections to "old lodgers," see s. 22 of the Registration Act, 1878, p. 150.

Or have omitted.] For duty of overseers to insert names of all occupiers "entitled" to vote, see s. 13 of the Registration Act, 1843, p. 80, s. 30 of the Representation of the People Act, 1867, p. 127, par. 34 of County Precept, p. 187, and par. 30 of Borough Precept, p. 215.

Such list shall be published, &c.] For publication of list of claimants, see s. 18 of Registration Act, 1843, p. 83; s. 30 of Representation of the People Act, 1867, p. 127; par. 42 of County Precept, p. 188; par. 35 of Borough Precept, p. 216.

As to time of publication, see s. 24 of Act of 1843, p. 85; but by s. 26 of the same Act, p. 86, the barrister must revise the lists, if they be published for any time.

Revised . . . as part of the list of claimants.] This involves objections being made by notice to the revising barrister (p. 92) without notice to the overseers, both in the case of the overseers' and claimants' lists.

Any person . . . may claim.] For manner and form of other claims, see Form H., No. 1, p. 200; K., No. 2, p. 202; H., p. 225; and s. 10 of the Registration Act, 1885, p. 176.

The clerk of the peace . . . shall insert.] See s. 4, subs. 5, of the Registration Act, 1885, p. 167.

Precepts to overseers.] For the original precepts, see pp. 180, 208. Supplemental precepts were also directed to be sent under the Redistribution of Seats Act, s. 19, p. 239.

4. The term "medical or surgical assistance" in this Act shall include all medical and surgical attendance, and all matters and things supplied by or on the recommendation of the medical officer having authority to give such attendance and recommendation at the expense of any poor rate.

Definition of
medical and
surgical
assistance.

The medical officer appears to have no legal authority under any orders of the Local Government Board to order any articles of diet at the expense of the poor rate for his patients, and "any directions that he may give to that effect will only amount to an expression of opinion on his part that relief in food or other necessaries is required." See Glen's Poor Law Orders, 8th ed., A.D. 1879, p. 137. In strictness, therefore, a recommendation of articles would be given without legal authority, unless the guardians had beforehand requested the medical officer to make such recommendation as he should consider necessary.

PART II.

REGISTRATION OF ELECTORS.

	PAGE
6 Vict. c. 18 . . . Parliamentary Registration Act, 1843—Preparation of lists of voters—Revision—Appeal from revising barrister by case	74
14 & 15 Vict. c. 14 . . Registration of compound householders	120
28 Vict. c. 30 . . . Statement of grounds of objection—Declarations as to change of abode, and by persons objected to	121
29 & 30 Vict. c. 54 . . As to corrupt practices commissioner	126
30 & 31 Vict. c. 102, ss. 30–2. Notice of rates in arrear—Preparation of lists for counties—Expenses	126
31 & 32 Vict. c. 58 . . Parliamentary Electors Registration Act, 1868—Recovery of expenses—Production of rate books	130
36 & 37 Vict. c. 70 . . Revising Barristers Act, 1873—Number of revising barristers—Evening sittings—Adjournment	134
37 & 38 Vict. c. 53 . . Revising Barristers Act, 1874—Qualification of revising barrister, and payment of substitute	137
41 & 42 Vict. c. 26 . . Parliamentary and Municipal Registration Act, 1878—Contemporaneous revision of parliamentary and municipal lists in parliamentary boroughs—Powers and duties of revising barrister—Appeal, where case refused	139
44 & 45 Vict. c. 68, s. 14. Judicature Act, 1881—Appeal from High Court to Court of Appeal.	163
48 Vict. c. 15 . . . Registration Act, 1885—Uniformity of procedure for revision of county and borough lists—Alteration of dates—Forms	163
48 & 49 Vict. c. 23 . . Redistribution of Seats Act, 1885—Registration in divided borough, &c.—Acceleration of registration in 1885	236
48 & 49 Vict. c. 57 . . Revising Barristers Act, 1885	243

6 Vict. c. 18.

PARLIAMENTARY REGISTRATION ACT, 1843.

An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales.
[31st May, 1843.]

6 Vict. c. 18.

“Whereas an Act was passed in the second year of the reign of his late Majesty, intituled An Act to amend the Representation of the People in England and Wales: And whereas it is expedient to explain and amend some parts of the said Act, and to make further and other provisions relating to the registration of persons entitled to vote in the election of members to serve in Parliament for England and Wales; And whereas it is recited in the said Act, that ‘it was expedient to form a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament;’ and divers clauses and provisions were in and by the said Act enacted, for the

purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for any county, or for the riding, parts, or division of any county, and also for the purpose of forming a register of persons entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough, and for the defraying of the expenses to be incurred thereby, and for the appointment and payment of revising barristers;" BE IT THEREFORE ENACTED, that—

6 Vict. c. 18.

1. The said clauses and provisions of the said Act so enacted for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament for any county, or for the riding, parts, or division of any county, and for the purpose of forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough in England and Wales, and for the defraying of the expenses to be incurred thereby, and for the appointment and payment of revising barristers, shall be and the same are hereby repealed, except as to any register heretofore made.

Repeal of registration provisions of Reform Act, 1832.

Prior to the Reform Act, 1832, there was no system of registration. The registration clauses of the Reform Act, 1832, did not provide for an appeal from the revising barrister, and were also defective in not providing precepts, and in other minute particulars.

2. This Act shall come into force on the first day of June next, and shall thenceforth be taken to be part of the said Act as fully as if it were incorporated therewith.

Act to be read with Reform Act, 1832.

3. And whereas, for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament, it is expedient that lists should annually be made out in manner hereinafter mentioned: Be it therefore enacted, That the clerk of the peace for every county shall cause a sufficient number of forms of precepts, notices, and lists to be printed, *according to the respective Forms numbered (1. 2. 3. 6.) in the Schedule (A.)* and of the Table numbered (1.) in the Schedule (D.) to this Act annexed, and shall also, on or before *the tenth day of June* * in every year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept, *according to the Form numbered (1.) in the said Schedule (A.)*, together with a sufficient number of the said printed forms of notices and lists, and of the copies of such part of the register of voters then in force for such county as shall relate to such parish or township respectively, and of the said Table, for the purposes hereinafter mentioned.

Counties.

Clerk of the Peace to have Precepts, &c., printed, and to issue them to overseers.

* Now 15th April.

By s. 101 "Clerk of the Peace" includes a deputy. The forms prescribed by this section are superseded by the forms prescribed by s. 18 of the Act of 1885, and Sched. 2. For form of precept under that Act, see p. 180, and for list of forms generally, see p. 164. By s. 7 of that Act the precepts were directed to be sent within twelve days after the passing of that Act (which

6 Vict. c. 18.

Counties.

Overseers to
publish notice
annually,
requiring
voters to send
in their
claims.

passed on the 21st of May, 1885), in the year 1885, and on or within seven days before the 15th April in any subsequent year.

4. The overseers of the poor of every parish and township shall, on or before the twentieth day of June in every year, publish a notice, *according to the Form numbered (2.) in the said Schedule (A.)*, having first signed the same, requiring all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament in respect of any property situate wholly or in part within such parish or township who shall not be upon the register of voters then in force, and also all persons so entitled as aforesaid, who being upon such register shall not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register about to be made, to give or send to the said overseers, on or before the twentieth day of July then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid; and every such person, and any person who being upon such register may be desirous to make a new claim, shall, on or before the said twentieth day of July, deliver or send to the said overseers a notice signed by him of his claim, according to the form of notice set forth in that behalf *in the said Form numbered (2.)*, or to the like effect.

By s. 101, "Overseers" includes all persons (such as assistant overseers: *Points v. Attwood*, 6 C. B. 38), executing the duties of overseers, and acts to be done by overseers may be done by the major part.

As to publication of notice, see ss. 23, 24, *post*, and s. 9 of the Act of 1878, applied to counties by s. 1, sub-ss. 1 and 2 of the Act of 1885.

Retain the same qualification.] These words do not include a successive occupation of another farm in the same parish, although the description of both farms would apply equally to either: *Burton v. Gery*, 17 L. J. C. P. 66, 5 C. B. 7. See further as to successive occupation, s. 73, *post*.

Deliver or send.] Claim addressed "To the overseers of the township of S." held sufficient in a case where four overseers had improperly divided their lists: *Elliott v. St. Mary's Carlisle Overseers*, 16 L. J. C. P. 101; 4 C. B. 76. As to posting notice, see s. 100.

On or before 20th July.] If a claim be made after the 20th July, and the overseers choose to waive the irregularity they may do so, and may place the claimant on the list; and the revising barrister cannot expunge his name: *Leonard v. Alloways*, 48 L. J. C. P. 81; 40 L. T. 197; *Davies v. Hopkins*, 27 L. J. C. P. 6. Service on Sunday, good: *Rawlins v. West Derby Overseers*, 2 C. B. 72.

The form prescribed by this section is superseded by Form No. 2 in Sched. 2 of the Act of 1885, p. 189, as prescribed by s. 18 of that Act.

Overseers to
prepare lists
of claimants.

5. The overseers of the poor of every parish and township respectively shall on or before the last day of July in every year make out, *according to the Form numbered (3.) in the said Schedule (A.)*, an alphabetical list of all persons who on or before the twentieth day of July then next preceding shall have claimed as aforesaid; and in every such list the Christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of

the property, and the name of the occupying tenant thereof, shall be written as the same are stated in the claim; and the said overseers, if they shall have reasonable cause to believe that any person whose name shall appear in such list of claimants, or in the copy of the register relating to their parish or township, and received by them from the clerk of the peace, is not entitled to have his name upon the register then next to be made, shall add the word "objected" before the name of every such person on the margin of such list of claimants or the said copy of register; and the said overseers shall also add the word "dead" before the name of any person in the said copy of the register whom they shall have reasonable cause to believe to be dead; and the overseers shall cause a sufficient number of copies of such list of claimants, and of the said copy of the register, with all such marginal additions as aforesaid, to be written or printed, and shall on or before the first day of August sign and publish the same; and the said overseers shall likewise keep a copy of such list of claimants, and of the said copy of the register, with the marginal additions respectively as aforesaid, signed by them, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by them, to all persons applying for the same, on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

6 Vict. c. 18.

Counties.

Overseers may object to any name;

to add "dead" against any name; to publish lists of claimants, and register as to their own parish;

to keep copies for inspection and sale.

The form prescribed by this section is superseded by Form 3 in Sched. 2 of the Act of 1885, p. 191. For obligation upon revising barrister to correct proved mistake in list, see s. 28, subs. 1, of Act of 1878, p. 153, applied to Counties by s. 1, subs. 2, of Act of 1885, p. 165.

On or before 20th July.] See note to last section.

6. The list of claimants (if any) so to be made out by the overseers of every parish or township, together with the said copy of the register, with the marginal additions respectively as aforesaid, for the time being, relating to the same parish or township, shall be deemed to be the list of voters of such parish or township for the county within which such parish or township may be situate, for the purposes hereinafter mentioned.

List of claimants and register to be deemed list of voters.

As to conclusiveness of list, see *Leonard v. Alloways*, 48 L. J. C. P. 81, cited in note to s. 4, *ante*.

7. In every year every person who shall be upon the register for the time being for any county may object to any other person upon any list of voters for such county as not having been entitled, on the *last* * day of July then next preceding, to have his name inserted in any list of voters for such county; and every person so objecting (save and except overseers objecting in the manner hereinbefore mentioned) shall, on or before the *twenty-fifth* † day of August in such year, give or cause to be

Any person on register may object to any person in list.

* Now 15th.

Notice of objection.

† Now 20th.

6 Vict. c. 18,
s. 7.

Counties
(Objections).

* Now 20th

Signature.

given to the overseers of the poor of the parish or township to which the list of voters containing the name of the person so objected to may relate, a notice, *according to the Form numbered (4.) in the said Schedule (A.),* or to the like effect; and the person so objecting shall also, on or before the said *twenty-fifth** day of August, give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode, as described in such list, a notice *according to the Form numbered (5.) in the said Schedule (A.),* or to the like effect; and every such notice of objection shall be signed by the party so objecting as aforesaid; and wherever the place of abode of the person objected to, as described in the said list, shall not be in the parish or township to which such list may relate, and the name of the occupying tenant of the whole or any part of the qualifying property, together with his place of abode, shall appear in such list, the person so objecting shall also, on or before the same day, give to or leave, or cause to be given or left, at the place of abode of any such occupying tenant, a duplicate notice, signed as aforesaid.

"Last" day of July altered to 15th day of July by s. 12, of the Act of 1885, *post*, and "25th" altered to 20th August by s. 3 of the same Act, p. 167, *post*.

Forms superseded by Forms 4 and 5 in Sched. 2 of Act of 1885, p. 192, *post*. As to stating grounds of objection, see Act of 1865, s. 5, p. 122.

On or before, &c.] It has been doubted whether the overseers can waive the irregularity of a notice sent too late: see *Godsell v. Innons*, 17 C. B. 295; 25 L. J. C. P. 79, and notwithstanding *Leonard v. Alloways*, 48 L. J. C. P. 81, decided on s. 4, *ante*, it is submitted that they cannot, on the ground that a party objected to is entitled as of right to take advantage of every irregularity of the party objecting. See s. 28, subs. 10, of the Act of 1885, p. 154: *Freeman v. Newman*, 12 Q. B. D. 373; 53 L. J. Q. B. 108; 51 L. T. 396; 32 W. R. 246; 1 Colt. 342.

Notice to overseers.] Where more than one person is objected to, a separate notice to the overseers in respect of each person is not necessary: *Smith v. Holloway*, L. R. 1 C. P. 145; 35 L. J. C. P. 145; 19 L. T. 530; 17 W. R. 119; 1 H. & C. 54, though, of course, a separate notice must be given to each person objected to. The objector himself must sign; signature by an agent is insufficient: *Toms v. Cuming*, 7 M. & G. 88.

List of persons
objected to to
be published.

† Now Aug.
29.

‡ Now after
Aug. 25.

8. The said overseers shall in every year include the names of all persons against whom notice of objection shall have been given to them as aforesaid in that year in a list, *according to the Form numbered (6.) in the said Schedule (A.),* and shall publish such list on or before the *first day of September*† in such year, and shall also keep a copy of such list, to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days of the said month of September;‡ and shall deliver a copy of such list to any person requiring the same on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Form superseded by Form 6 in Sched. 2 of Act of 1885, *post*. As to mode of publication, see s. 23 of this Act.

1st September altered to 25th August, and fourteen days after 25th August

substituted for first fourteen days of September by s. 3, subs. 2, of the Act of 1885, *post*.

6 Vict. c. 18.

Counties.

9. On or before the *twenty-ninth** day of August in every year, the overseers of every parish or township shall deliver to the clerk of the peace of the county wherein the said parish or township is situate the said copy of the register, and the said list of claimants, with the marginal additions respectively as aforesaid, and also a copy of the list of persons objected to, respectively signed as aforesaid, and relating to their parish or township.

Lists, &c., to be delivered to the clerk of the peace.

* Now 25th.

25th August substituted for 29th August by s. 3, subs. 2, of Act of 1885, p. 167.

10. And for the purpose of preparing like lists, and forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough, be it enacted, That the town clerk of every such city or borough shall cause a sufficient number of forms of precepts, notices, and lists to be printed *according to the Forms numbered* (1. 2. 3. 4. 8. 12.) *in the Schedule (B.)* and of the Table numbered (1.) in the Schedule (D.) to this Act annexed, and shall on or before the *tenth day of June*† in every year make, and cause to be delivered to the overseers of the poor of every parish or township situate wholly or in part within such city or borough, or within any place sharing in the election for such city or borough, his precept *according to the Forms numbered* (1.) *in the said Schedule (B.)*, and also a sufficient number of the said printed Forms of notices and lists, and of the said Table.

Boroughs.

Town clerk to issue precepts to overseers.

† Now 15th April.

The forms in Schedule (B.) prescribed by this and the next section were superseded by forms under the Act of 1878, which forms are in their turn superseded by forms under s. 18 of the Act of 1885. For form of precept, see Sched. 3 of that Act, p. 208, and forms of notices and lists, see p. 222.

By s. 7 of the Act of 1885, the precepts were directed to be sent within twelve days after the passing of that Act (which passed on the 21st May, 1885), in the year 1885, and on or within seven days before the 15th April in any subsequent year.

The forms of Table D. partly survive. See note to that Table, p. 119.

11. The overseers of every such parish or township shall, on or before the twentieth day of June in every year, publish a notice in writing *according to Form numbered* (2.) *in the said Schedule (B.)*, stating that no person will be entitled to have his name inserted in any list of voters for the city or borough then next to be made in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, unless he shall pay, on or before the twentieth day of July then next ensuing, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises during the twelve calendar months next before the *sixth day of April*‡ then last past.

Overseers publish to notice as to the payment of rates and taxes by £10. occupiers.

‡ Now 5th January.

As to form, see note to last section. The substituted form is Form B. of

F *

6 Vict. c. 18.

Boroughs.

Overseers
may inspect
tax assess-
ments, &c.

List of
persons in
arrear of
taxes.

* *Now 5th
January.*

Overseers to
prepare and
publish lists
of persons
(other than
freemen)
entitled to
vote.

Sched. 3 of the Act of 1885, p. 220. The 5th January is substituted for the 6th April by 11 & 12 Vict. c. 90, p. 33, *ante*.

12. The overseers of every parish or township, for their assistance in making out the list of voters as hereinafter mentioned (upon request made by them or any of them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the month of July in every year, to any assessor or collector of taxes, or to any other officer having the custody of any tax assessment or duplicate for such parish or township), shall have free liberty to inspect any such tax assessment or duplicate, and to extract such particulars as may appear to such overseer or overseers to be necessary; and every such assessor or collector of taxes shall, within two days after the twentieth day of July in every year, make out and deliver to the said overseers a list containing the name and place of abode of every person who shall not have paid on or before the said twentieth day of July the assessed taxes which shall have become payable from him in respect of any premises within the said parish or township during the twelve calendar months next before the *sixth day of April** then last past; and the overseers shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the list of voters shall have been published, as hereinafter mentioned.

5th day of January substituted for 6th day of April by 11 & 12 Vict. c. 90, p. 33, *ante*.

13. The overseers of every such parish or township shall, on or before the last day of July in every year, make out or cause to be made out, *according to the Form numbered (3.) in the Schedule (B.) to this Act annexed*, an alphabetical list of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for such city or borough in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, and another alphabetical list, *according to the Form numbered (4.) in the said Schedule (B.)* of all other persons (except freemen) who may be entitled to vote in the election of such city or borough by virtue of any other right whatsoever, and in each of the said lists the Christian name and surname of every such person shall be written at full length, together with the place of his abode and the nature of his qualification, and where any person shall be entitled to vote in respect of any property, then the name of the street, lane, and the number of the house (if any) or other description of the place where such property may be situate, shall be specified in the list; and the said overseers shall sign such lists, and shall forthwith cause a sufficient number of copies of each of the said lists to be written or printed,

and shall publish copies of the said lists on or before the first day of August in such year, and shall likewise keep a copy of each of the said lists, to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been so published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

6 Vict. s. 13,
c. 18.

Boroughs.

Copies of lists
to be kept for
inspection and
sale.

As to forms, see note to s. 10. For substituted and new forms, see Forms D. and E. to G. in Sched. 3 of the Act of 1885. For obligation upon revising barrister to correct proved mistakes in lists, see s. 28, subs. 1, of Act of 1878, p. 153.

Shall sign.] This enactment is directory only, and therefore a list is valid, though not signed by the overseers: *Morgan v. Parry*, 17 C. B. 334; 25 L. J. C. P. 141; 2 Jur. (N.S.) 285.

14. The town clerk of every city or borough shall, on or before the last day of July in the present and in each succeeding year, make out, according to the Form numbered (5.) in the said Schedule (B.), an alphabetical list of all the freemen of such city or borough who may be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough, together with the respective places of their abode, and shall sign such list, and cause copies thereof to be written or printed, and shall publish the said list on or before the first day of August in such year, and shall likewise keep a copy thereof, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Town clerks
to publish
lists of
freemen.

Form No. 5 in Sched. B. (p. 115, *post*), does not appear to be superseded.

15. Every person whose name shall have been omitted in any such list of voters for any city or borough so to be made out as aforesaid, and who shall claim, as having been entitled on the last day of July then next preceding, to have his name inserted therein, and every person desirous of being registered for a different qualification than that for which his name appears in the said list, shall, on or before the *twenty-fifth* * day of August in that year, give or cause to be given a notice, according to the Form numbered (6.) in the said Schedule (B.) or to the like effect, to the overseers of that parish or township in the list whereof he shall claim to have his name inserted, or if he shall claim as a freeman of any city or borough, or place sharing in the election therewith, then he shall in like manner give or cause to be given

Persons
omitted from
borough
lists to give
notice of
claim.

* Now 20th.

6 Vict. c. 18,
s. 15.

Boroughs.

Lists of
claimants to
be made.

Registered
electors and
claimants
may inspect
rate books.

Persons in list
may object to
others.

* *Now 15th.*

† *Now 20th.*

Notice of
objection.

Signature.

to the town clerk of such city, borough, or place a notice according to the Form numbered (7.) in the said Schedule (B.) or to the like effect; and the overseers and town clerks respectively shall include the names of all persons so claiming as aforesaid in lists, according to the Forms numbered (8.) and (9.) respectively in the said Schedule (B.).

For substituted form of notice, see Form H., No. 1, in Sched. 3 of Act of 1885, p. 225. For substituted forms of lists, see Form K. in the same schedule, p. 229. Forms (7) and (9) as to freemen, p. 115, appear to be still in force.

16. It shall be lawful for any person whose name shall be on any list of voters for the time being for any city or borough, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, between the tenth day of August and the last day of August, to any overseer or other officer having the custody of any poor-rate book, to inspect such poor-rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such persons; and every such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection, and the making of such extracts, without payment of any fee.

For power to inspect books containing rates within previous two years, see s. 13 of Act of 1878, p. 144.

17. Every person whose name shall have been inserted in any list of voters for any city or borough may object to any other person as not having been entitled on the *last** day of July next preceding to have his name inserted in any list of voters for the same city or borough; and every person so objecting shall, on or before the *twenty-fifth*† day of August in that year, give or cause to be given a notice *according to the Form numbered (10.) in the said Schedule (B.), or to the like effect*, to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted, or if the person objected to shall have been inserted in the list of freemen of any city or borough, except the City of London, then to the town clerk of such city or borough; and every person so objecting shall also give or cause to be left at the place of abode of the person objected to, as stated in the said list, a notice *according to the Form numbered (11.) in the said Schedule (B.)*; and every notice of objection shall be signed by the person objecting.

"Last" day of July altered to 15th by s. 7 of the Act of 1878, *post*, and 25th altered to 20th of August by s. 3, subs. 1, of the Act of 1885, *post*.

As to form, see note to s. 10, and for new forms, see Form I. in Sched. 3 of Act of 1885, p. 227.

By s. 26 of the Act of 1878, the notice must specify the grounds of objection, and the person objected to need only defend his vote so far as it is attacked on the ground specified.

As to whether the overseers may waive the irregularity of a notice given too late and as to other points, see note to s. 7, *ante*.

6 Vict. c. 18.

Boroughs.

18. And be it enacted, That the said overseers shall include the names of all persons so objected to in a list, *according to the Form numbered (12.) in the said Schedule (B.)*; and every town clerk shall include the names of all persons so objected to as freemen in a list, according to the Form numbered (13.) in the said Schedule (B.); and the said overseers and town clerks respectively shall sign each of the said lists, and cause copies thereof to be written or printed, and shall publish the said list of persons objected to, and the said list of claimants as aforesaid, on or before the *first day of September* * in the said year; and shall keep copies of the said lists, and shall allow the same, and also the notices of objection which they shall have received, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of *September* † in the said year, and shall deliver copies of each of such lists to any person requiring the same, on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

List of persons objected to.

Such lists and lists of claimants to be published.

* Now 25th August.

† Now after Aug. 25th.

25th August substituted for 1st September, and first fourteen days after 25th August substituted for first fourteen days of September by s. 3, subs. 2, of the Act of 1885, *post*.

As to forms, see note to s. 10. For new form, see Form L. in Schedule 3 of the Act of 1885, p. 231. Form 13, p. 116, appears to be still in force.

As to place of publication, see s. 23 of this Act as amended by s. 9 of the Act of 1878, and as to validity of list, notwithstanding imperfect publication, see s. 26 of this Act.

19. The said overseers shall, on or before the *twenty-ninth* † day of August in every year, deliver to the said town clerk a copy of the said list of voters, made out by them as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid.

Overseers to deliver lists to town clerk.

† Now 25th.

25th substituted for 29th by s. 3, subs. 2, of the Act of 1885, *post*.

20. For providing a list of such of the freemen of the City of London as are liverymen of the several companies entitled to vote in the election of a member or members to serve in Parliament for the City of London, the secondaries of the said city shall, on or before the twentieth day of July in every year, issue precepts to the clerks of the said livery companies requiring them to make out or cause to be made out, at the expense of the respective companies, an alphabetical list, according to the Form numbered (1.) in the Schedule (C.)§ to this Act annexed, of the freemen of London, being liverymen of the said respective companies, and entitled to vote in such election; and every such clerk shall sign such list, and transmit the same, with two

Freemen and liverymen of the City of London.

§ p. 117.

6 Vict. c. 18,
s. 20.

City of London.

printed copies thereof, to the secondaries, on or before the last day of July, who shall forthwith fix one such copy in the Guildhall and one in the Royal Exchange of the said city, there to remain fourteen days; and the clerks of the said livery companies shall cause a sufficient number of copies of such lists of freemen and liverymen of their respective companies to be printed, at the expense of the respective companies, and shall keep and allow the same to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during fourteen days next after such lists shall have been published, and shall deliver the same to any person applying for the same, on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed; and every person whose name shall have been omitted in any such list of freemen and liverymen, and who shall claim to have his name inserted therein, as having been entitled on the last day of July then next preceding to have his name inserted in such list, shall, on or before the twenty-fifth day of August in such year, give or cause to be given a notice according to the Form numbered (2.) in the said Schedule (C.), or to the like effect, to the secondaries and to the clerk of that company in the list whereof he shall claim to have his name inserted; and every person whose name shall have been inserted in any list of voters for the time being for the said city may object to any other person as not having been entitled on the last day of July then next preceding to have his name inserted in any such livery list; and every person so objecting shall, on or before the said twenty-fifth day of August, give to such other person, or leave at his place of abode, as described in such list, a notice according to the Form numbered (4.) in the said Schedule (C.), or to the like effect, and shall also give to the secondaries and to the clerk of that company in the list whereof the name of the person objected to has been inserted, notice according to the Form numbered (5.) in the said Schedule (C.), or to the like effect; and the secondaries shall include the names of all persons so claiming, and so objected to as aforesaid, in two several lists, according to the Forms numbered (3.) and (6.) in the said Schedule (C.), and shall cause such last-mentioned lists to be fixed in the Guildhall and Royal Exchange of the said city on or before the first day of September, and shall likewise keep copies thereof, and allow the same to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the fourteen days following the first publication of the said list, and shall deliver copies thereof to any person applying for the same on payment of a price for each copy after the rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

21. For all the purposes of forming a register of voters for the borough of New Shoreham and for the borough of Cricklade respectively, under the provisions of this Act, all persons having a right to vote for the borough of New Shoreham in respect of any freeholds which may be situate in the borough of Horsham, or for the borough of Cricklade in respect of any freeholds which may be situated in the borough of Malmesbury, shall be inserted in the same lists of voters respectively in which they are to be inserted by the directions in that behalf of the said recited Act.

6 Vict. c. 18.

Boroughs.

Freeholders in
Horsham and
Malmesbury.

22. Every precinct or place, whether extra-parochial or otherwise, which shall have no overseers of the poor, shall, for the purpose of making any claim, and making out any list directed by this Act, be deemed to be within the parish or township adjoining thereto and sharing in the right of election to which such claim or list may relate; and if such parish or place shall adjoin two or more parishes or townships situated as aforesaid it shall be deemed to be within the least populous of such parishes or townships, according to the last census for the time being.

Extra-
parochial
places.

*Counties and
Boroughs.*

23. Every notice, list, register, or other document herein required to be published, shall be so published, except where some other mode or place of publication is herein expressly provided, by being fixed in some public and conspicuous situation on the outside of the outer door or outer wall near the door of the buildings hereinafter named for that purpose; (that is to say,) in the case of publication by overseers, every church and public chapel in their parish or township, including places of public worship which do not belong to the Established Church, and in the case of publication by a town clerk, the town hall, or in either case, if there be no such building as is hereinbefore named for that purpose, then in some public and conspicuous situation within the parish or township, city, borough, or place respectively.

Publication of
notice.

For requirements of publication, see ss. 4, 5, 8, 11, 13, 14, and 18.

By s. 9 of the Act of 1878, p. 142, *post*, extended to counties by s. 1, subs. 2, of the Act of 1885, p. 165, *post*, further publication at post offices and telegraph offices is prescribed.

24. In all cases, in which any notice, list, register, or other document shall, pursuant to the provisions aforesaid, be affixed on or near the door of any church, chapel, town hall, or other place, the same shall continue so fixed for a period including two consecutive Sundays at the least next after the day on or before which the same is hereinbefore required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the expiration of such period, the party hereinbefore required to publish the same as aforesaid shall, as soon as conveniently may be, publish in like manner in its place another notice, list, register, or other document, to the like purport and effect with the notice, list, register, paper, or document so destroyed, mutilated, effaced, or removed.

Time for
which publica-
tion shall be.

6 Vict. c. 18.

*Counties and
Boroughs.*

Penalty for
hindering
publication.

List not in-
validated by
imperfect
publication.

If no list
made out or
published,
former list to
be in force.

Lord Chief
Justice and
Judges of
Assize to ap-
point revising
barristers in
July or
August.

* See p. 243.

25. Every person who shall wilfully destroy, mutilate, efface, or remove any notice, list, register, or other document so affixed as aforesaid, during the period during which the same is hereinbefore required to remain so affixed, shall for every such offence forfeit any sum not exceeding forty shillings nor less than ten shillings to any person who will sue for the same, to be recovered in a summary manner before any two justices of the peace.

26. No list shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required for publication thereof, but the barrister shall proceed to revise and adjudicate upon every such list which shall have been affixed in any place and for any part of the time hereinbefore mentioned in that behalf; but nothing herein contained shall be construed to exempt the overseer, town clerk, or other person charged with the duty of publishing such list as aforesaid from the penalties of his neglect or wilful default.

As to penalties for neglect or wilful default, see ss. 51 and 97, *post*.

27. In case no list of voters shall have been made out for any parish, township, or place in any year, or in case such list shall not have been affixed in any place hereinbefore mentioned in that behalf, the register of voters for that parish, township, or place then in force shall be taken to be the list of voters for that parish, township, or place for the year then next ensuing, and the provisions herein contained respecting any such list of voters shall be taken to apply to such register as aforesaid.

This is a parochial provision only, and if no list should have been made out, &c., it is conceived that the register for each election area would have to be made up in accordance with the provisions of the Redistribution of Seats Act, 1885. See that Act, p. 257. In such a case, however, voters newly entitled to be registered by virtue of the Representation of the People Act, 1884, p. 59, could neither be placed on any list, or on the register.

28. The Lord Chief Justice of the Court of Queen's Bench shall, in the month of July or August in every year, appoint so many barristers as he shall deem necessary to revise the lists of voters for that year for the county of Middlesex, and for the city of London, the city of Westminster, and the several boroughs in the county of Middlesex, and the senior Judge for the time being in the Commissions of Assize for every other county,* shall during the Summer Circuit in every year, appoint so many barristers as he shall deem necessary to revise the lists of voters for that year for every such county, or for the ridings, parts, and divisions of every such county, and for the several cities and boroughs in every such county, and for every city and town, and county of a city and town, next adjoining to any such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the

county of York, and the town upon Berwick-upon-Tweed and the town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said Lord Chief Justice and Judge respectively shall in every year have power to appoint one or more barristers to revise the lists for that year for the same county, city, or borough, or other place as aforesaid, or one barrister only to revise the lists for several counties, cities, boroughs, and other places as aforesaid: Provided always, that, except as is hereinafter provided, no greater number of barristers shall be so appointed in any year than as follows, (that is to say,) for the county of Middlesex, and for the city of London, the city of Westminster, and the boroughs in the county of Middlesex, three; for the counties, cities, boroughs, and places within the Home Circuit, ten; for the counties, cities, boroughs, and places within the Western Circuit, fourteen; for the counties, cities, boroughs, and places within the Oxford Circuit, twelve; for the counties, cities, boroughs, and places within the Midland Circuit, eleven; for the counties, cities, boroughs, and places within the Norfolk Circuit, eight; for the counties, cities, boroughs, and places within the Northern Circuit, fifteen; for the counties, cities, boroughs, and places within the North Wales Circuit, six; for the counties, cities, boroughs, and places within the South Wales Circuit, six: Provided also, that no barrister shall be so appointed who shall be of less than *three* * years standing, or a member of Parliament, or who shall hold any office or place of profit under the Crown, except the office of recorder of any city or borough; but no such barrister shall be so appointed for any city or borough of which he shall be the recorder; and that no barrister appointed as aforesaid shall for eighteen months from the time of his appointment be eligible to serve in Parliament for any county, riding, parts, or division of a county, or for any city, borough, or other place as aforesaid for which he shall be so appointed.

6 Vict. c. 18,
a. 28.

Number of
revising
barristers.

[See p. 135.]

Qualification.
* *Now seven.*

Disqualifica-
tion for can-
didature.

By virtue of the Judicature Acts the Lord Chief Justice of England represents the Lord Chief Justice of the Court of Queen's Bench.

By the Revising Barristers Act, 1885, p. 243, the senior judge actually travelling circuit is the senior judge within this section. By the Revising Barristers Act, 1873, 36 & 37 Vict. c. 70, p. 134, the number of revising barristers may be varied from time to time by Order in Council. As to appointing judge where borough in two circuits, see s. 25 of Act of 1868, p. 132.

By Order in Council of the 5th of February, 1876, under the Judicature Act, the circuits were rearranged, and a consequential alteration in the number of revising barristers was made by Order in Council of the 27th of June, 1876, under the Revising Barristers Act, 1873, and a further Order (see p. 135) on the 9th July, 1885, for the year 1885 only, but revoking the Order of 1876.

The qualification of three years' standing for a revising barrister is altered to seven years by the Revising Barristers Act, 1874, 37 & 38 Vict. c. 53, p. 138, *post*, repealing, but in this respect, re-enacting, the Revising Barristers Act, 1872, 35 & 36 Vict. c. 84.

6 Vict. c. 18,
s. 29.

*Revising
Barristers.*

Additional barristers in case of need.

29. Notwithstanding anything hereinbefore contained, if it shall appear to the Lord Chief Justice or Judge who shall have appointed any barrister or barristers under this Act to revise any list of voters, that by reason of the death, illness, or absence of any such barrister or barristers, or by reason of the insufficiency of the number of such barristers, or from any other cause, such list cannot be revised within the period directed by this Act, it shall be lawful for such Lord Chief Justice or Judge, and he is hereby required, to appoint one or more barrister or barristers qualified as aforesaid to act in the place of or in addition to the barrister or barristers originally appointed for any county, city, or borough; and such barrister or barristers so subsequently appointed shall have the same powers and authorities in every respect as if they had been originally appointed by such Lord Chief Justice or Judge: *Provided always, that whenever any such additional barrister or barristers shall have been appointed for the revision of the list of voters as aforesaid, and that in consequence or by reason of such appointment the total number of barristers appointed to revise in any one year shall exceed the whole number hereinbefore authorized to be appointed, the Commissioners of her Majesty's Treasury shall cause an account of all such appointments of additional barristers, and the sums respectively paid to them, to be laid before each House of Parliament within twenty days after the next meeting of Parliament.*

Proviso in italics repealed by Revising Barristers Act, 1874, 37 & 38 Vict. c. 53, p. 138, *post*.

Barristers may hold separate Courts.

30. Where two or more barristers shall be appointed for the same county, riding, parts, or division of a county, or for the same city or borough, they may hold separate courts at the same time and place for the despatch of business, or may hold separate courts at different times and places, as shall be deemed most expedient.

Where two are appointed, one cannot review the decision of the other: *Blain v. Pilkington*, 34 L. J. C. P. 55; 18 C. P. (N.S.) 6; 11 L. T. 452; 13 W. R. 269.

Barrister to notify his appointment to clerk of the peace and town clerks, who are to transmit to him abstracts and lists.

31. Every such revising barrister shall notify his appointment to the clerk of the peace of every county, and to the town clerk of every city and borough of which he shall be appointed to revise the lists; and each clerk of the peace shall as soon as possible transmit an abstract of the number of persons objected to by the overseers and by other persons in each parish and township in and for the same county, and the town clerk of every city or borough shall as soon as possible transmit an abstract of the said several lists of claimants, and the lists of persons objected to, in each parish or township in and for the same city or borough, to the said barrister, in order that proper times and places for holding courts for the revision of such lists respectively may be appointed.

As to duties of town clerk in a divided borough, see Redistribution of Seats Act, 1885, s. 12, p. 236.

32. The barrister appointed to revise the lists of any county, shall make a circuit and hold open courts for such revision at each of the places which now are or hereafter may be appointed as polling places for such county, and at any other places within the said county which he shall think expedient, at convenient times between the fifteenth day of September inclusive and the last day of October inclusive in the then current year, and shall, *ten** days at the least before the holding of the first court of revision, give notice to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes the lists of and for which will be revised at each of the said courts; and the said clerk of the peace shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers circulating within the said county, and shall cause a sufficient number of copies of the said notice to be written or printed, and shall deliver or send a copy thereof to the overseers of every parish or township, and require them to publish the said copy of the said notice, and to attend at the court therein appointed for the revision of the list of voters relating to their said parish or township, and the said overseers shall forthwith publish the said copy of the said notice accordingly.

6 Vict. c. 18.

County
revision.Notice of
Court to
clerk of the
peace, by
advertisement,
and to over-
seers.* *Now Seven.*

As to courts in polling districts, see s. 34 of the Representation of the People Act, 1867, p. 129, *post*, and s. 4, subs. 4 of the Act of 1885; and as to claim to vote in particular polling district, see s. 36 of this Act.

By s. 4, subs. 1, of the Act of 1885, p. 167, the court may be held within the same period as the court of Borough Revision [*i.e.* for revision of burgess lists, between the 15th of September and the 12th of October, see s. 18 of the Act of 1878], and 7 days' notice (as under s. 33 of this Act for boroughs) is sufficient.

As to period of revision in the year 1885, see Redistribution of Seats Act, 1885, s. 30 (a), p. 241.

As to evening sittings, see s. 4 of the Revising Barristers Act, 1873, 36 & 37 Vict. c. 70, p. 134, *post*, and s. 4, subs. 3 of the Act of 1885, p. 167, *post*, by which evening sittings are required in places being urban sanitary districts containing more than 10,000 inhabitants.

33. The barrister or barristers appointed to revise the lists of voters for any city or borough shall hold an open court or courts for that purpose within such city or borough, and also within every place sharing in the election for such city or borough, between the fifteenth day of September inclusive and the last day of October inclusive in the then current year, and such barrister or barristers shall, seven days at the least before holding any such court or courts, give notice to the town clerk of such city or borough of the time and place of holding the same; and if such barrister shall, in his discretion, deem it expedient to hold his courts at different times and places within the said city or borough, the said barrister shall in such case give notice to the said town clerk of such times and places so appointed, and of the parishes allotted to each court; and the town clerk shall forthwith publish a notice of the time and place of the holding of every such court as aforesaid on the town hall, and on every

Borough
Revision.Notice to town
clerk, who is
to publish the
same.

6 Vict. c. 18.

The Revision.

church and chapel within such city or borough, or, if there be no church or chapel or town hall therein, then in some public and conspicuous place therein.

By s. 18 of the Act of 1878, p. 148, the last day for revising a *burgess list* is the 12th of October.

As to period of revision in the year 1885, see Redistribution of Seats Act, 1885, s. 30 (a), p. 241.

As to evening sittings, see s. 4 of the Revising Barristers Act, 1873, p. 134.

Clerk of the peace to attend first Court.

Overseers to attend Courts for their own district and parishes, and produce lists and answer questions.

34. The clerk of the peace of every county, at the opening of the first court to be so holden as aforesaid in and for the same county, shall deliver or cause to be delivered to the said barrister or barristers all the lists of voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to the said county, and also one or more printed copies of the register of voters then in force for the said county; and the overseers of every parish and township shall attend the court to be holden for revising the lists relating to their parish or township, and shall deliver to the barrister or barristers holding such court the original notices of claim and notices of objection given to them as aforesaid; and the said clerk of the peace and overseers shall (if required) answer upon oath all such questions as such barrister or barristers may put to them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter herein mentioned.

As to attendance of overseers, see further s. 51 of this Act. As to production of rate books by overseers, see s. 28 of Act of 1868; as to summoning overseers for current or any past year, see s. 29 of the Act of 1868, and for general power to summon witnesses, see s. 36 of the Act of 1878.

Town clerks, overseers, &c., to attend Courts, produce lists, and answer questions, &c.

35. The town clerk of every city or borough, and the several overseers for the time being of every parish or township therein, and in the city of London the secondaries and the clerks of the several livery companies of such city shall attend the first court to be holden before every such barrister for every such city or borough, unless they shall have been respectively required by notice to attend at some other court, in which case they shall attend the said court as required; and the said overseers, town clerks, and secondaries respectively shall at the opening of the said court, deliver to the said barrister the several lists so made by them respectively as aforesaid, and also the original notices of claim and of objection received by them as aforesaid; and the said overseers shall also produce at the said court all rates made for the relief of the poor of their respective parishes or townships between the *sixth day of April* * in the year then last past and the *last* † day of July in the then present year; and the said town clerks, overseers, secondaries, and clerks respectively shall answer upon oath all such questions as any such barrister may put to them, or any of them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter necessary for revising the list of voters; and every such

* 5th Jan.

† Now 15th.

Barrister shall have power to require any assessor, collector of rates, or other officer having the custody of any tax assessment or duplicate, or any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, in the city of London the chamberlain or his deputy, to attend before him at any court to be holden by him in pursuance of this Act, and they shall attend accordingly, and answer upon oath all such questions as such barrister may put to them.

6 Vict. c. 18.

Barrister may require attendance of overseer and collector, &c., of taxes.

6th April altered to 5th January by 11 & 12 Vict. c. 90, p. 33, *ante*, and "last" altered to 15th July by s. 7 of the Act of 1878, *post*.

36. Any person whose name shall appear in the list of voters of any parish or township in and for any county, and whose place of abode, as stated in such list, shall not be within the polling district at which the said parish or township shall be allotted to poll, but within the same county, shall be at liberty to make his claim before the revising barrister to vote at the polling place of the district wherein his said place of abode may be situate; and any person whose name shall appear in any list as aforesaid, and whose place of abode, as stated in such list, shall not be within the same county, shall be at liberty in like manner to make his claim to vote at the polling place of any district within the same county; and every such person shall make his claim in writing under his hand, and such claim shall be delivered to and verified before the revising barrister holding his court for the revision of the list of voters in which the name of such person shall appear as aforesaid, and it shall then be lawful for the said barrister to insert in the said list, against the name of such person so claiming as aforesaid, the name of the polling place at which such person shall be registered to vote; and such person so registered shall be admitted to vote at every contested election for the said county at the said last-mentioned polling place, and not elsewhere, anything in the said recited Act to the contrary notwithstanding.

County voters residing out of polling district to which the parish of their qualification belongs may vote in another polling district, on making claim before revising barrister.

As to courts in polling districts, see s. 34 of the Representation of the People Act, 1867, p. 129, and s. 4, subs. 4, of the Act of 1885, p. 167, and see subs. 8 of the same section as to supplemental list.

37. If any person who shall have given to the overseers of any parish or township due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a knight or knights of the shire shall have been omitted by such overseers from such list, it shall be lawful for the revising barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the *last* * day of July then next preceding to be inserted in the said list of voters.

Barrister may insert in county lists names of claimants omitted by overseer on proof of claim and qualification.

* Now 15th.

"Last" day of July altered to 15th by effect of s. 12 of the Act of 1885, p. 173.

6 Vict. c. 18.

The Revision.

church and chapel within such city or borough, or, if there be no church or chapel or town hall therein, then in some public and conspicuous place therein.

By s. 18 of the Act of 1878, p. 148, the last day for revising a *burgess list* is the 12th of October.

As to period of revision in the year 1885, see Redistribution of Seats Act, 1885, s. 30 (a), p. 241.

As to evening sittings, see s. 4 of the Revising Barristers Act, 1873, p. 134.

Clerk of the peace to attend first Court.

Overseers to attend Courts for their own district and parishes, and produce lists and answer questions.

34. The clerk of the peace of every county, at the opening of the first court to be so holden as aforesaid in and for the same county, shall deliver or cause to be delivered to the said barrister or barristers all the lists of voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to the said county, and also one or more printed copies of the register of voters then in force for the said county; and the overseers of every parish and township shall attend the court to be holden for revising the lists relating to their parish or township, and shall deliver to the barrister or barristers holding such court the original notices of claim and notices of objection given to them as aforesaid; and the said clerk of the peace and overseers shall (if required) answer upon oath all such questions as such barrister or barristers may put to them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter herein mentioned.

As to attendance of overseers, see further s. 51 of this Act. As to production of rate books by overseers, see s. 28 of Act of 1868; as to summoning overseers for current or any past year, see s. 29 of the Act of 1868, and for general power to summon witnesses, see s. 36 of the Act of 1878.

Town clerks, overseers, &c., to attend Courts, produce lists, and answer questions, &c.

35. The town clerk of every city or borough, and the several overseers for the time being of every parish or township therein, and in the city of London the secondaries and the clerks of the several livery companies of such city shall attend the first court to be holden before every such barrister for every such city or borough, unless they shall have been respectively required by notice to attend at some other court, in which case they shall attend the said court as required; and the said overseers, town clerks, and secondaries respectively shall at the opening of the said court, deliver to the said barrister the several lists so made by them respectively as aforesaid, and also the original notices of claim and of objection received by them as aforesaid; and the said overseers shall also produce at the said court all rates made for the relief of the poor of their respective parishes or townships between the *sixth day of April* * in the year then last past and the *last* † day of July in the then present year; and the said town clerks, overseers, secondaries, and clerks respectively shall answer upon oath all such questions as any such barrister may put to them, or any of them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter necessary for revising the list of voters; and every such

* 5th Jan.

† Now 15th.

barrister shall have power to require any assessor, collector of taxes, or other officer having the custody of any tax assessment or duplicate, or any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, in the city of London the chamberlain or his deputy, to attend before him at any court to be holden by him in pursuance of this Act, and they shall attend accordingly, and answer upon oath all such questions as such barrister may put to them.

6th April altered to 5th January by 11 & 12 Vict. c. 90, p. 33, *ante*, and "last" altered to 15th July by s. 7 of the Act of 1878, *post*.

36. Any person whose name shall appear in the list of voters of any parish or township in and for any county, and whose place of abode, as stated in such list, shall not be within the polling district at which the said parish or township shall be allotted to poll, but within the same county, shall be at liberty to make his claim before the revising barrister to vote at the polling place of the district wherein his said place of abode may be situate; and any person whose name shall appear in any list as aforesaid, and whose place of abode, as stated in such list, shall not be within the same county, shall be at liberty in like manner to make his claim to vote at the polling place of any district within the same county; and every such person shall make his claim in writing under his hand, and such claim shall be delivered to and verified before the revising barrister holding his court for the revision of the list of voters in which the name of such person shall appear as aforesaid, and it shall then be lawful for the said barrister to insert in the said list, against the name of such person so claiming as aforesaid, the name of the polling place at which such person shall be registered to vote; and such person so registered shall be admitted to vote at every contested election for the said county at the said last-mentioned polling place, and not elsewhere, anything in the said recited Act to the contrary notwithstanding.

As to courts in polling districts, see s. 34 of the Representation of the People Act, 1867, p. 129, and s. 4, subs. 4, of the Act of 1885, p. 167, and see suba. 8 of the same section as to supplemental list.

37. If any person who shall have given to the overseers of any parish or township due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a knight or knights of the shire shall have been omitted by such overseers from such list, it shall be lawful for the revising barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the *last* * day of July then next preceding to be inserted in the said list of voters.

"Last" day of July altered to 15th by effect of s. 12 of the Act of 1885, p. 173.

6 Vict. c. 18.

Barrister may require attendance of overseer and collector, &c., of taxes.

County voters residing out of polling district to which the parish of their qualification belongs may vote in another polling district, on making claim before revising barrister.

Barrister may insert in county lists names of claimants omitted by overseer on proof of claim and qualification.

* Now 15th.

6 Vict. c. 18,
s. 37.

The Revision.

It shall be lawful for.] It might perhaps be doubtful how far these words confer a discretion; but however this may be, the use of the words “proved to the satisfaction” appears practically to confer it.

To insert therein.] An important alteration in procedure is effected by s. 4, subs. 4, of the Act of 1885, which dispenses with any obligation to insert names of claimants in any voters’ list, and enacts that the revising barrister “may revise the list of claimants in like manner as if it were a list of voters.”

Gave due notice.] The overseers may waive the irregularity of a notice being given too late. See *Leonard v. Alloways*, 48 L. J. C. P. 81, and note to s. 4, *ante*.

Barrister may
insert names
in lists of
borough
voters.

* *Now* 15th.

38. The revising barrister shall insert in any list of voters for any city or borough the name of every person omitted who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been entitled on the *last* * day of July then next preceding to have his name inserted therein in respect of the qualification described in such notice of claim.

“Last” day of July altered to 15th by effect of s. 7 of Act of 1878, p. 141.

The words “shall insert” are clearly mandatory, but the words “proved to the satisfaction” appear practically to confer a discretion.

By s. 30 of the Act of 1867, p. 127, this section is extended to lodgers.

The important alteration of procedure effected by s. 4, subs. 4, of the Act of 1885, referred to in the note to s. 37, applies to boroughs as well as to counties.

Objection to
claimants
(without
notice, except
in writing to
barrister) by
any person on
a list of voters.

39. It shall be lawful for any person whose name shall be on any list of voters for any county, city, or borough to oppose the claim of any person so omitted as aforesaid to have his name inserted in any list of voters for the same county, city, or borough; and such person intending to oppose any such claim shall, in the Court to be holden as aforesaid for the revision of such list, and before the hearing of the said claim, give notice in writing to the revising barrister of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeal, and other matters relating to the hearing and determination of the said claim, as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices as hereinafter mentioned.

This section is essentially distinguishable from s. 7 as to counties, and from s. 17 as to boroughs, both of which provide for objections after notice to the party, as well as to the overseers, whereas the present section requires no notice whatever, except notice in writing to the revising barrister. The distinction is, that this section authorizes objections to *claimants* only, whereas ss. 7 and 17 authorize objections to persons on a list of voters only.

By s. 30 of the Representation of the People Act, 1867, p. 127, this section is expressly extended to lodgers in boroughs, and by the effect of s. 1 of the Registration Act, 1885, p. 165, it is extended to lodgers in counties.

40. *The revising barrister shall correct any mistake which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead ; and wherever the Christian name or the place of abode, or the nature of the qualification, or the local or other description of the property of any person who shall be included in any such list, and the name of the occupying tenant thereof, shall be wholly omitted in any case where the same is by this Act directed to be specified therein, or if any person whose name is included in any such list, or his place of abode, or the nature or description of his qualification, shall, in the judgment of the revising barrister, be insufficiently described for the purpose of being identified, such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list : Provided always, that, whether any person shall be objected to or not, no evidence shall be given of any other qualification than that which is described in the list of voters or claim, as the case may be, nor shall the barrister be at liberty to change the description of the qualification as it appears in the list, except for the purpose of more clearly and accurately defining the same ; and where the name of any person inserted in any list of voters shall have been objected to by the overseers, or by any other person, and such other person so objecting shall appear by himself, or by some one on his behalf, in support of such objection, and shall prove that he gave the notice or notices respectively required by this Act to be given by him, every such barrister shall then require it to be proved that the person so objected to was entitled on the last day of July then next preceding to have his name inserted in the list of voters in respect of the qualification described in such list ; and in case the same shall not be proved to the satisfaction of such barrister, or in case it shall be proved that such person was then incapacitated by any law or statute from voting in the election of members to serve in Parliament, such barrister shall expunge the name of every such person from the said lists : Provided always, that where any person whose name appears on any list of voters for any county shall be objected to on the ground of having changed his place of abode without having sent in a fresh notice of claim, it shall be lawful for the barrister on revising the list to retain the name of such person on the list of voters, provided that such person, or some one in his behalf, shall prove that he possessed, on the last day of July, the same qualification in respect of which his name has been inserted in such list, and shall also supply his true place of abode, which the said barrister shall insert in such list.*

6 Vict. c. 18,
s. 40.

Corrections
by barrister in
the register.

Repealed by
Act of 1885.

This section, which was repealed as to boroughs by the Act of 1878, which substituted for it s. 28 of that Act as to boroughs, is now wholly repealed by s. 18 and Schedule 1 of the Act of 1885, which makes s. 28 of the Act of 1878, as amended by s. 4 of the Act of 1885, a procedure for revision of general application. This repealed section is merely printed here for the purpose, if desired, of comparing the old law with the new. For outline of alteration effected by s. 28 of the Act of 1878, see note to that section.

6 Vict. c 18,
ss. 42-4.

Appeal by case.

Respondent on
appeal.

though not expressly, overruled it, holding, in a considered judgment, that where an indorsement was not signed until the fifth day of term, the appellant could not be heard.

By virtue of the Judicature Acts the case will now be transmitted to the Queen's Bench Division of the High Court.

43. In the matter of every such appeal the party in whose favour the decision appealed against shall have been given shall be the respondent; but if there be no such party, or if such party, or some one on his behalf, shall in open Court decline, and state in writing that he declines, to support the decision appealed against as respondent, then and in every such case it shall be lawful for the said revising barrister to name any person who may be interested in the matter of the said appeal, and who may consent, or the overseers of any parish or township, or the town clerk of any city or borough, to be, and such person so consenting, or such overseers or town clerk respectively so named shall be deemed to be the respondent or respondents in such appeal.

As to requisition, on or before making the declaration of appeal, that the clerk of the peace or town clerk be made respondent, see s. 38 of the Act of 1878, p. 168.

Consolidation
of appeals.

44. If it shall appear to any revising barrister that the validity of any number of such claims or objections determined by him at any Court as aforesaid depends and has been decided by him upon the same point or points of law, and the parties, or any of them aggrieved, by or dissatisfied with his decision thereon, shall have given notice of an intention to appeal therefrom, it shall in such case be lawful for the said barrister to declare that the appeals against such decision ought to be consolidated, and the said barrister shall in such case state in writing the case, and his decision thereon, in manner hereinbefore mentioned, and that several appeals depend upon the same decision, and ought to be consolidated, and shall read such statement, and sign the same, as hereinbefore mentioned, and thereupon it shall be lawful for the said barrister to name any person interested, and consenting, for and on behalf of himself and all other persons in like manner interested in such appeals, to be the appellant or respondent respectively in such consolidated appeal, and to prosecute or answer the said appeal, in like manner as any appellant or respondent might in his own case under the provisions of this Act, and the person so named appellant in such consolidated appeal, or some one on his behalf, shall at the end of the said statement, made and sign a declaration in the form or to the effect following; (that is to say,)

"I, for myself and on behalf of all the other persons who are interested as appellants in this matter, and whose names are hereunder written, do appeal against this decision, and agree to prosecute this appeal."

And the person so named respondent in such consolidated appeal, or some one on his behalf, shall in like manner make

and sign a declaration in writing in the form or to the effect following; (that is to say,)

6 Vict. c. 18,
s. 44.

“ I, for myself and on behalf of all the other persons interested as respondents in this matter, and whose names are hereunder written, do agree to appear and answer this Appeal.”

And the name, and, where necessary, the particulars of the qualification of every party intended to be joined in such consolidated appeal, shall be written under the aforesaid declaration of the appellant or respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the said barrister, if necessary, in any case to name the overseers of any parish or township, or the town clerk of any city or borough, to be, and they or he so named shall be, the respondents or respondent in such consolidated appeal, without any such declaration being made or signed by them or him as hereinbefore mentioned.

Overseers or
town clerk
may be
respondents.

For consolidation under this section there must be the same facts and the same precise point or points of law: *Robson v. Brown*, 26 L. J. C. P. 81; 1 C. B. (N.S.) 34; *Prior v. Waring*, 17 L. J. C. P. 73; 5 C. B. 56. Otherwise the consolidated appeals will be dismissed: *Bennet v. Brumfitt*, *Ashcroft's Case*, 38 L. J. C. P. 72; 19 L. T. 452; 1 H. & C. 48; in this case some of certain persons objected to were women, and some were men.

Indorsement.] The indorsement need not set forth the name of all the appellants and respondents; it is enough to set forth the names of the representative appellant and respondent, if the names of the others appear in the body of the case: *Sherwin v. Whyman*, L. R. 9 C. P. 243; 43 L. J. C. P. 36; 29 L. T. 680; 22 W. R. 127; 2 H. & C. 17.

All the directions of s. 42, as to single appeals, apply to consolidated appeals: *Wanklyn v. Woollett*, 4 C. B., at p. 95.

45. In and with regard to every such consolidated appeal the like proceeding shall be had and taken and the like rules and regulations shall apply as in the case of any other appeal under this Act; and every order, judgment, or decision of the said Court of Common Pleas shall be equally valid and effectual for all the purposes of this Act, and binding and conclusive upon all the parties named in or referred to as parties to such consolidated appeal as aforesaid; and if in any case all or any of the parties to such consolidated appeal shall make or enter into any agreement as to the mode of contributing among themselves to the costs and expenses of such appeal, the said agreement may, upon the application of any party or parties thereto, be made a rule of the said Court of Common Pleas, if the said Court shall think fit: Provided always, that if any such consolidated appeal shall not be duly prosecuted or answered, it shall be lawful for the said Court of Common Pleas, or for the Lord Chief Justice or any Judge of the said Court, to give to any party or parties interested in such appeal, upon his or their application, the conduct and direction of the said appeal, or of the answer thereto respectively, as the case may require, instead of or in addition to any person named as aforesaid as appellant or respondent, and in such manner and upon such terms as the said Court or

Conduct of
consolidated
appeals.

Contributions
to costs.

If consolidated
appeal not
duly prose-
cuted or
answered, con-
duct of it or of
answer may be
given to other
persons.

6 Vict. c. 18,
s. 45.

*Consolidated
appeals.*

Party in-
terested may
sever.

Barrister may
give costs of
frivolous pro-
ceedings up to
£5.

* Now £5

Lord Chief Justice or Judge may think fit and order, or to make such other order in the case as may seem meet: Provided also, that if after the said barrister shall as aforesaid have declared that the appeal in any case ought to be with others consolidated, any party interested in such appeal shall object and refuse to be a party to or to be bound by any such consolidated appeal, then and in such case the appeal in which such person is interested may proceed separately, but such person so refusing or objecting shall be liable to pay costs to the other party, but shall not be entitled to receive any costs of or in such appeal, unless the said Court otherwise order.

46. If in any case it shall appear to any revising barrister holding any Court as aforesaid that any person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious claim or objection or title to have any name inserted or retained in any list of voters, it shall be lawful for the said barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the costs or of any part of the costs of any person or persons in resisting such claim or objection or title; and in every such case the said barrister shall make an order in writing, specifying the sum which he shall order to be paid for such costs, and by and to whom and when and where the same sum shall be paid, and shall date and sign the said order, and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid: Provided always, that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of *twenty shillings* *: Provided also, that such order for the payment of costs as aforesaid may be made in any case, notwithstanding any party shall have given notice of his intention to appeal against any decision of the revising barrister in the same case; but in case of such appeal the said order for the payment of costs shall be suspended, and shall abide the event of such appeal, unless the Court of Appeal shall otherwise direct; but no appeal shall be allowed or entertained against or only in respect of any such order for the payment of costs: Provided also, that whenever any revising barrister shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the said barrister to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or deposited in the hands of the said barrister in court, for the use of the person so entitled.

See also s. 52 of this Act, p. 101, and s. 71, p. 109. As to time of making order for costs, s. 13 of the Act of 1865, p. 125, *post*; and as to costs up to 40s. of objections otherwise than by overseers, see s. 27 suba. 3, of Act of 1878, p. 152.

Five pounds is substituted for twenty shillings by s. 14 of the Act of 1865, p. 125.

47. The said list of voters for each county, signed as aforesaid, shall be forthwith transmitted by the revising barrister to the clerk of the peace of the same county, and the clerk of the peace shall keep the said lists among the records of the sessions, and shall forthwith cause the said lists to be copied, and printed in a book or books, arranged with the names in each parish or township in strict alphabetical order, according to the surnames, and with every polling district in alphabetical order, and with every parish or township within such polling district likewise in the same order, and shall, after the last list for each polling district, insert a list in like alphabetical order of all persons whose names shall not appear in any of the said lists for such polling district, but who shall in manner hereinbefore mentioned have been registered by the revising barrister to vote at the polling place of such last-mentioned district, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name: Provided always, that a number as aforesaid shall be prefixed to the name of every person in every such list inserted after the last list for any polling district as aforesaid; and no number, but an asterisk only, shall be prefixed to the name of the same person in the list of the parish or township in which his name originally appeared; and every such book shall be printed and arranged in such manner and form that the list of voters of and for each and every separate parish or township contained therein may be conveniently and completely cut out or detached from all the other lists of voters contained in the same book; so that all the lists for every or any polling place, or the list of every or any single parish or township, may be ready for the purposes of this Act or for sale; and the said clerk of the peace shall sign and deliver the said book or books on or before the last day of *November** in the then current year to the sheriff of the county, to be by him and his successors in the office of sheriff safely kept, for the purposes hereinafter and in the said recited Act mentioned.

6 Vict. c. 18.

County lists to be transmitted to clerk of the peace, and to be by him copied into a book.

* *Now*
December.

"November" altered to "December" by s. 38 of the Representation of the People Act, 1867, p. 130, *post*.

Special provision for 1885.] By the Redistribution of Seats Act, 1885, s. 30, the date was again altered for the year 1885 only. See note to s. 49, p. 100.

The books do not become the register until actually signed and delivered to the sheriff, although this may not be till after the last day of December: *Brumfitt v. Bremner*, 30 L. J. C. P. 33; 9 C. B. (N.S.) 1. In this case the name of the appellant was inadvertently erased by the revising barrister, and erroneously omitted from a first impression of the register. The appellant discovered the omission, and communicated with the clerk of the peace, who inserted the name, and delivered a book, containing the name so inserted, to the clerk of the peace on the 13th of January. The appellant becoming an objector at the next revision, the revising barrister declined to hear him, on the ground that he was not upon the register within s. 7, because he was not upon the first impression sold of it under s. 49; but the Court unanimously held that the revising barrister was wrong.

6 Vict. c. 18.

Borough lists
to be given
to town clerks,
and copied
into books.

Book to be
given to
returning
officers.

* *Now*
December.

48. The lists of voters for each city or borough, signed as aforesaid, shall be forthwith delivered by the revising barrister to the town clerk of the same city or borough; and the said town clerk shall forthwith cause the said lists to be copied and printed in a book; and in the said book the said lists shall be arranged and every name numbered according to the directions aforesaid with regard to the county lists, so far as the same are applicable; and the said town clerk shall sign and deliver the said book on or before the said last day of *November** to the returning officer of the same city or borough, to be by him and his successors as returning officer safely kept for the purposes hereinafter mentioned.

Brumfitt v. Bremner, 30 L. J. O. P. 33, and *supra*, note to s. 47, applies to this section as well as to s. 47.

"November" altered to "December" by s. 38 of the Representation of the People Act, 1867, *post*. As to arranging lists to correspond with polling districts, see Representation of the People Act, 1867, s. 34, p. 130, and to correspond with order in streets, s. 21 of the Act of 1878, *post*.

Special provision for 1885.] By the Redistribution of Seats Act, 1885, s. 30, p. 241, the date was again altered for the year 1885 only.

The register
for counties
and boroughs.

Copies of re-
gisters to be
printed for
sale.

49. *The said printed book or books so signed as aforesaid by the clerk of the peace or town clerk respectively, and given into the custody of the sheriff of any county, or the returning officer of any city or borough, as the case may be, shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which shall take place in and for the same county, city, or borough respectively, between the last day of November in the year wherein such register shall have been made and the first day of December in the succeeding year; and the clerk of the peace of every county, and the town clerk of every city or borough respectively, shall keep printed copies of the said register for such county, city, or borough, and shall deliver such copies of such register, or of any part thereof, to any person applying for the same, upon payment of a price after the rate contained in the Table numbered (2.) in the Schedule (D.) to this Act annexed: Provided always, that no person shall be entitled to a copy of any part of any register relating to any parish or township without taking or paying for the whole that relates to such parish or township.*

The opening words in italics are expressly repealed by the Statute Law Revision Act, 1874, having been impliedly repealed by s. 38 of the Representation of the People Act, 1867, which altered the period of duration of the register to the year commencing on the 1st of January after the making of the register.

Assessors and
other officers
neglecting to
attend when
summoned by
revising
barrister,
liable to be
fined.

50. Any assessor or collector of taxes or other officer, or any overseer or overseers of the poor, or other persons having the custody of any poor-rate book for any past year, or any assistant overseer or relieving officer, who shall wilfully refuse or neglect, when duly required by summons under the hand of any revising barrister, to attend before such barrister at any Court to be holden as aforesaid, according to the exigency of

such summons, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of the said barrister holding any such Court as aforesaid.

6 Vict. c. 18,
s. 50.

See further Act of 1868, s. 29, Act of 1878, s. 36, and Representation of the People Act, 1884, s. 9, subs. 3.

51. Any overseer of any parish or township who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out the list of voters for any city or borough shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice or list, or copy of the part of the register of voters relating to his parish or township, at the time and in the manner required by this Act, or who shall wilfully refuse or neglect to deliver to the clerk of the peace the copy of the lists of claimants and of persons objected to, and the copies of the register, as required by this Act, or who shall wilfully refuse or neglect to deliver to the town clerk of the city or borough the copies of the several lists as required by this Act, or who shall wilfully refuse or neglect to attend the Court for revising the lists of voters of his parish or township, or to attend any revising barrister when required by any summons as aforesaid, or who shall wilfully refuse or neglect to deliver to the barrister or barristers holding any such Court the several lists to be made out by them as aforesaid, or who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall for every such offence be liable to pay by way of fine a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of any barrister holding any Court for the revision of any list of the parish or township of such overseer: Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any overseer or other person liable to any fine as aforesaid, or any liability such overseer or other person may incur under or by virtue of this Act or the said recited Act.

Fining of overseers for neglect of duty.

This section is applied by s. 29 of the Act of 1878, to cases of wilful neglect, &c., in the execution of that Act.

As to penal action against overseers and others, see s. 97 of this Act, p. 111.

52. Every revising barrister, when and so often as he shall impose any such fine as aforesaid, shall at the same time in open Court, by an order in writing under his hand, stating the sum payable for such fine, direct by and to whom and when the same shall be paid, and the person to whom the said sum shall

Fines, to whom payable, and to what purpose to be applied.

6 Vict. c. 18,
s. 52.

Fines.

be so ordered to be paid shall receive the same, and in every case where the offence for which the said fine shall have been so imposed shall relate to the formation of the register of voters for any county he shall pay over the sum so received by him to the clerk of the peace of the same county, and in every case where such offence shall relate to the formation of the register of voters for any city or borough he shall pay over the sum so received by him to the town clerk of the same city or borough, or to the said secondaries, as the case may require.

There is no appeal against a fine imposed by a revising barrister, nor can his order for a fine be removed by certiorari. See s. 71, *post*, and as to recovery of fines by distress, see s. 72, *post*.

Clerk of the
peace and town
clerk to ac-
count for and
pay over all
monies re-
ceived by
them.

53. The clerk of the peace of every county and the town clerk of every city or borough respectively shall keep an account of all moneys to be received by him or them for or on account of the sale of any copies of the register as aforesaid, or for or by way of fine imposed as aforesaid; and the said clerk of the peace shall pay over or account for all such moneys received by him to the treasurer of the same county, to be applied in aid of the county rate; and the said town clerk shall pay over or account for all such moneys so received by them to and amongst the overseers of the several parishes and townships within every city or borough; and the share of each parish or township shall be calculated as nearly as may be according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register, and the said moneys, together with all monies received by any overseers from the sale by them of any lists, shall be paid and applied by the said overseers in aid of the moneys collected for the relief of the poor.

Expenses of
clerks of the
peace, how to
be defrayed.

54. An account of all expenses incurred by any clerk of the peace of any county in carrying into effect the provisions of this Act shall be laid before the justices of the peace at the next quarter sessions after such expenses shall have been incurred, and the said justices of the peace shall make their order upon the treasurer of the said county for the payment of such expenses, or such part thereof as they shall allow, to the said clerk of the peace, out of the public stock of the said county.

By s. 31 of the Representation of the People Act, 1867, p. 128, *post*, the word "expenses" in this section and s. 55, includes the charges of a clerk of the peace or a town clerk, and by s. 7 of the Act of 1885, s. 31 of the Act of 1867 includes charges for trouble under either the Act of 1884 or the Act of 1885.

Expenses of
town clerks
and returning
officers, how
to be defrayed.

55. All the expenses incurred by any town clerk or returning officer of any city or borough in carrying into effect the provisions of this Act shall be defrayed out of the monies to be collected for the relief of the poor in the several parishes and townships within the same city or borough; and the sum to be contributed by every such parish or township shall be calcu-

lated, as nearly as may be, according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and an account of all the said expenses so incurred, and also an account of the sum to be contributed for defraying the same by each parish or township as aforesaid, shall, as soon as may be after the said expenses shall have been so incurred, be laid before the common council or town council of the said city or borough, or, if there be no such council in any city or borough, then before the justices of the peace at the quarter sessions to be holden in and for the county in which the same city or borough is situate; and the said council or the said justices respectively shall, when they allow the said accounts, make and give to the said town clerk a certificate of the total sum allowed by such council or justices in respect of the said expenses, and also a certificate of the sum to be paid by and as the contribution of each of the said parishes or townships towards defraying the same; and thereupon it shall be lawful for the overseers of every such parish or township, and they are hereby required, out of the first monies to be collected for the relief of the poor, to pay the sum in such certificate mentioned to be paid by and as the contribution of the said parish or township to the said town clerk.

6 Vict. c. 18,
s. 55.

See note to last section. As to expenses in municipal parliamentary boroughs, see s. 30 of the Act of 1878.

56. Throughout this Act the words "town clerk" shall not be understood to mean or apply to the town clerks of the cities of London or Westminster, or to the town clerk of the borough of Southwark, but throughout this Act by the words "town clerk" shall be understood in regard to the city of London the secondaries of the said city, and in regard to the city of Westminster the high bailiff of the said city, and in regard to the borough of Southwark the high bailiff of the said borough.

Meaning of the words "town clerk" in certain cases.

57. An account of all expenses incurred by the overseers of every parish or township in carrying into effect the provisions of this Act shall be laid before the revising barrister at the court at which the list of voters for such parish or township shall be revised; and the said barrister shall sign and give to the said overseers a certificate of the sum which he shall allow to be due to them in respect of the said expenses; and it shall be lawful for the said overseers to receive the sum so certified to be due to them from and out of the first monies thereafter to be collected for the relief of the poor in the same parish or township.

Expenses of overseers.

By s. 32 of the Act of 1868, p. 133, *post*, items may be objected to, and the objections must be heard by the revising barrister, who must sign the certificate in open Court, whether any objection be made or not; and by the same section a certificate so signed is conclusive.

6 Vict. c. 18.

No payment
necessary by
persons
making claim.

58. Notwithstanding anything in the said recited Act contained, it shall not be necessary for or required of any person claiming or upon giving notice of any claim as herein or in the said recited Act mentioned to pay or cause to be paid to the overseer of any parish or township the sum of one shilling, or any other sum; nor shall any notice of claim as aforesaid be invalid by reason of such or any sum not having been paid; and no person whose name shall be upon any register of voters for any city or borough shall be therefore liable to the payment of one shilling annually, or of any other sum on that account.

Remuneration
of revising
barristers.

59. Every barrister appointed to revise any lists of voters under this Act shall be paid the sum of two hundred guineas, by way of remuneration to him, and in satisfaction of his travelling and other expenses; and every such barrister, after the termination of his last sitting, shall forward his appointment to the Commissioners of her Majesty's Treasury, who shall make an order for the payment of the above sums to every such barrister, and all such sums shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: *Provided always, that in the case of any barrister having been appointed under this Act to revise any lists of voters in addition to the barrister or barristers originally appointed, such barrister, instead of the sums above mentioned, shall be paid at the rate of five guineas for every day that he shall be so employed, together with three guineas each day for his travelling and other expenses; and every such last-mentioned barrister, after the termination of his last sitting, shall lay or cause to be laid before the Commissioners of her Majesty's Treasury his appointment, and a statement of the number of days during which he shall have been so employed; and the said commissioners shall make an order for the payment of such sum as shall thereupon appear to be due to every such last-mentioned barrister, and every such sum shall also be paid out of the said Consolidated Fund, but so that no such barrister shall be entitled to or in any case be paid more than the sum of two hundred guineas.*

The proviso of this section is repealed by the Revising Barristers Act, 1874, p. 138. As to remuneration for municipal revision, see the concluding paragraph of s. 80 of the Act of 1878, p. 159, by the effect of which that remuneration is at the rate of five guineas a day.

Appeals to be
heard by
Queen's Bench
Division of the
High Court.

60. All appeals or matters of appeal from or in respect of any decision of any revising barrister entertained in manner hereinbefore mentioned shall be prosecuted, heard, and determined in and by her Majesty's Court of Common Pleas at Westminster according to the ordinary rules and practice of that Court with respect to special cases, so far as the same may be applicable, and not inconsistent with the provisions of this Act, or in such manner and form, and subject to such rules and regulations, as the said Court from time to time, by any rule or order made for regulating the practice and proceedings in such appeals, shall order and direct.

By virtue of the 34th section of the Judicature Act, 1873, the Queen's Bench Division of the High Court has transferred to it the jurisdiction of the Court of Common Pleas under this section.

6 Vict. c. 18.

By s. 4 of the Judicature Act, 1884, divisional courts of that division may be constituted of more than two judges "if the president of the division, with the concurrence of not less than two other judges thereof, shall be of opinion that it is expedient so to constitute the same;" and by the Rules of the Supreme Court, 1883, Order LXX., Rule 1, appeals from revising barristers are to be heard by divisional courts.

[61. Barristers to have equal right of practising with serjeants.]

62. Every appellant who shall intend to prosecute his appeal shall, within the first four days in the Michaelmas Term * next after the decision to which such appeal shall relate, transmit to the Masters of the said Court of Common Pleas the statement in writing so signed by the said revising barrister as aforesaid, and shall also therewith give or send a notice, signed by him, stating therein his intention to prosecute the said appeal, and the said appellant shall also give or send a notice, signed by him, to the respondent in the said appeal, stating his said intention duly to prosecute such appeal in the said Court; and one of the Masters of the said Court, to be nominated for that purpose by the Lord Chief Justice of the said Court, shall forthwith enter every appeal of which he shall have received due notice from the appellant as aforesaid in a book to be kept by him for that purpose.

Notice of appeal.

* In 1885, read "sittings."

Entry of appeal.

This section, in form directory only, must be read with s. 42, also directory in form, and with s. 64, which is clearly imperative.

Within first four days of Michaelmas Term.] By s. 26 of the Judicature Act, 1873, terms were abolished "so far as relates to the administration of justice;" but it was provided by the same section that, in all other cases in which, under the then existing law, terms were used "as a measure for determining the time at or within which any act is required to be done, the same may continue to be referred to, for the same or a like purpose, unless and until provision is otherwise made by lawful authority;" and this section is construed strictly: *Christ's College v. Martin*, 3 Q. B. D. 16 (C. A.). Until 1884 Michaelmas sittings under the Judicature Act and Rules of Court began on the same day as Michaelmas Term, i.e. on Nov. 2, but an Order in Council of the 12th of December, 1883, directs that "Michaelmas sittings shall for the future commence on the 24th of October," and this is not a "provision otherwise made" within the meaning of s. 26 of the Judicature Act, 1873, so that the appellant, in years other than 1885, will have the first four days ending November 6th within which to send the case. But in 1885, by s. 30 (c) of the Redistribution of Seats Act, 1885, p. 242, "Michaelmas Sittings" is substituted for "Michaelmas Term" in this and the next section.

It was held in *Autey v. Topham*, 5 M. & G. 1; 7 Scott N. R. 402; 1 D. & L. 785; 13 L. J. C. P. 39; 7 Jur. 995, that the enactment as to the first four days is imperative, and that if the notice be not given within the first four days, the Court has no jurisdiction to hear the appeal; and *Petherbridge v. Ash*, 4 C. B. 74, is to the same effect. Nor can any consent of the respondent give jurisdiction (*Autey v. Topham*, *supra*), on the ground, it is conceived, that the provision as to time is for the public benefit, and therefore cannot be waived. See Maxwell on Statutes, 2nd Ed., 478, citing *Lawrence v. Wilcock*, 11 A. & E. 941, and other cases.

Transmit to the Masters.] The case will now be transmitted to the central office of the Supreme Court.

6 Vict. c. 18,
ss. 62-64.

Hearing of
appeals.

Court to give
notice of the
time and place
of hearing
appeals.

* In 1885, read
"sittings."

No appeal
unless notice
given.

So signed . . . as aforesaid.] See s. 42 and note.

A notice signed by him.] The notice must be signed by the appellant himself; signature by an agent will not suffice: *Petherbridge v. Ash*, 4 C. B. 74. A respondent appearing cannot take objection to the notice: *Rawlins v. West Derby Overseers*, 2 C. B. 72.

One of the Masters.] The master for the purpose is now, by virtue of s. 25 of the Judicature Act, 1881, nominated by the Lord Chief Justice of England.

63. The Judges of the said Court of Common Pleas shall, as soon as may be after the fourth day of Michaelmas Term * in every year, make arrangements for hearing the appeals entered as aforesaid, and shall appoint such certain day or days, either in Term time or in time of Vacation, as they may think fit and necessary, but as early as conveniently may be, for the purpose of hearing and deciding such appeals; and the said judges shall cause public notice to be given of the time and place so appointed by them for that purpose, and of the order in which such appeals will be heard.

After the fourth day of Michaelmas Term.] See note to s. 62.

64. No appeal or matter of appeal whatsoever shall, in any case, except where the conduct and direction of the appeal, or of the answer thereto, shall have been given by order of the Court of Common Pleas or of any judge thereof to any person, be entertained or heard by the said Court unless notice shall have been given by the appellant to the Masters of the said Court at the time and in the manner hereinbefore mentioned; and no appeal shall be heard by the said Court in any case where the said respondent shall not appear, unless the said appellant shall prove that due notice of his intention to prosecute such appeal was given or sent to the said respondent ten days at least before the day appointed for the hearing of such appeal: Provided always, that if it shall appear to the said Court that there has not been reasonable time to give or send such notice in any case, it shall be lawful for the said Court to postpone the hearing of the appeal in such case, as to the said Court shall seem meet.

No appeal . . . shall . . . be entertained or heard.] These words are imperative. See *Auley v. Topham*, 5 M. & G. 1, and the note to s. 62, *supra*.

Except where the conduct, &c.] The exception is that provided for in the first proviso of s. 45 in relation to consolidated appeals not duly prosecuted or answered.

Hereinbefore mentioned.] See s. 62 and note.

No appeal shall be heard unless the appellant shall prove notice.] This notice cannot be waived: *Newton v. Mobberley Overseers*, 2 C. B. 203. If the respondent does not appear, either the service of the notice must be proved by affidavit, or the appellant must bring himself within the proviso: *Colvill v. Lewis*, 2 C. B. 60; *Allworth v. Dore*, 5 C. B. 87.

Ten days at least.] That is, ten clear days before the first day appointed for hearing appeals: *Clarke v. Beaton*, 5 C. B. 76.

If neither party appear, the case will be struck out: *Wansey v. St. Peter-le-Poor Overseers*, 7 M. & G. 162.

The case must be argued, although the respondent may not appear: *Pownall v. Hood*, 11 C. B. 1; 21 L. J. C. P. 12; but if the respondent appear and the

appellant do not, the appeal will be dismissed without a hearing: *White v. Pring*, 8 C. B. 13, and with costs.

6 Vict. c. 18.

Provided always.] The terms of this proviso give a wide discretion to the Court; but in *Brown v. Tamplin*, L. R. 8 C. P. 241; 42 L. J. C. P. 37, the Court held that no other circumstances except the absence of reasonable time could be taken into consideration, and refused postponement where the case was signed on the 31st of October, and notice was not given till the 4th of November, the 13th of November being the first day for hearing appeals. See also *Adey v. Hill*, 4 C. B. 38; *Luckett v. Voller*, 11 C. B. (N.S.) 1, in which postponement was refused; and *Palmer v. Allen*, 5 C. B. 5, and *Burton v. Blake*, 11 C. B. 47, in which postponement was granted. In *Palmer v. Allen*, the decision of the revising barrister was given on Saturday the 30th of October, and the notice was served on the 2nd of November, the first day for hearing appeals being the 11th of November.

65. No appeal or notice of appeal under this Act shall be received or allowed against any decision of any revising barrister upon any question of fact only, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only: Provided always, that if the said Court shall be of opinion in any case that the statement of the matter of the appeal is not sufficient to enable them to give judgment in law, it shall be lawful for the said Court to remit the said statement to the revising barrister by whom it shall have been signed in order that the case may be more fully stated.

No appeal on fact or evidence.

Court may remit case to be more fully stated.

The Court will not remit for the insertion of a fact which the revising barrister considered immaterial: *Hinton v. Wenlock Town Clerk*, 7 M. & G. 163; 8 Scott N. R. 995; 2 D. & L. 598. A case will be remitted if it finds that a party "states" certain matters: *Pitts v. Smedley*, 7 M. & G. 85; 8 Scott N. R. 907. The decision will be affirmed if it does not appear from the facts stated to be wrong: *Watson v. Cotton*, 5 C. B. 51. Amendment allowed by revising barrister himself in Court in *Whithorn v. Thomas*, 7 M. & G. 1; 8 Scott N. R. 783.

66. Every judgment or decision of the said Court shall be final and conclusive in the case upon the point of law adjudicated upon, and shall be binding upon every committee of the House of Commons appointed for the trial of any petition complaining of an undue election or return of any member or members to serve in Parliament.

Decisions of Court to be final.

The present section was at one time limited to the case in which the decision is given, and the Court would review its previous decisions when clearly erroneous: *Webster v. Ashton under Lyne*, L. R. 8 C. P. 306; 42 L. J. C. P. 146; but this was held before such decisions could be corrected on appeal. By s. 14 of the Judicature Act, 1881, p. 163, *post*, there is a further appeal, by leave, from the High Court to the Court of Appeal, and this being so, the Court will adhere to former decisions, although erroneous, leaving them to be corrected on appeal, as in matters of registration it is far more important that the decisions should be all one way than how they should be decided: *Ford v. Hoar*, 14 Q. B. D. at p. 514, per Lord Coleridge, C.J.

Shall be binding upon every committee.] By the Parliamentary Elections Act, 1868, as amended by the Parliamentary Elections Act, 1879, the jurisdiction of House of Commons Committees to try election petitions is transferred to two judges, but there is no express provision in that Act applying the latter part of this section. Perhaps, however, s. 26 of that Act would have that effect. See the Acts, *post*, Part VI.

6 Vict. c. 18.

Appeal.

Decisions of Court on appeal to be notified to sheriff or returning officer, and register to be altered conformably.

Copies of decisions on appeals to be evidence.

Appeal pending not to affect right of voting.

No decision after election to affect the result.

Costs of appeal.

67. Whenever by any judgment or order of the said Court any decision or order of any revising barrister shall be reversed or altered, so as to require any alteration or correction of the register of voters for any county, or for any city or borough, notice of the said judgment or order of the said Court shall be forthwith given by the said Court to the sheriff or returning officer as the case may be, having the custody of such register, and the said notice shall be in writing under the hand of one of the masters of the said Court, and shall specify exactly every alteration or correction to be made, in pursuance of the said judgment or order, in the said register; and such sheriff or returning officer respectively shall, upon the receipt of the said notice, alter or correct the said register accordingly, and shall sign his name against every such alteration or correction, in the said register, and shall safely keep and hand over to his successor every such notice received by him from the said Court as aforesaid, together with the said register.

This section only applies where there has been an appeal, and the Court has no general jurisdiction to correct a mistake. This was held in *Re Allen*, 28 L. J. C. P. 256, in which a voter had been struck off from a borough list instead of from a county list by inadvertence of the revising barrister, the voter's name having appeared on both lists, and an objection to his name on the county list only having been sustained.

68. A copy of any order or decision of the said Court, such copy purporting to be signed by one of the masters of the said Court, shall be sufficient evidence in all cases without proof of the signature of the said master, and shall have the like force and effect as any entry made in any list or register of voters under this or the said recited Act.

69. No right of voting at any election of a member or members to serve in Parliament shall be affected by any appeal pending in the said Court at the time of the issuing of the writ for such election, but it shall be lawful for every person to exercise the right of voting at such election as effectually, and every vote tendered thereat shall be as good, as if no such appeal were pending; and the subsequent decision of any appeal which shall be pending in the said Court at the time of the issuing of the writ for any such election shall not in any way whatsoever alter or affect the poll taken at such election, nor the return made thereat by the returning officer.

70. It shall be lawful for the said Court to make such order respecting the payment of the costs of any appeal, or of any part of such costs, as to the said Court shall seem meet: Provided always, that it shall not be lawful for the said Court in any case to make any order for costs against or in favour of any respondent or person named as respondent as aforesaid, unless he shall appear before the said Court in support of the decision of the revising barrister in question.

As to power to make order on town clerk or clerk of the peace to pay costs, see s. 38 of the Act of 1878, p. 161, and for an exercise of this power, see *Nuth v. Tamplin*, 8 Q. B. D. 258, n.

The practice appears to be to give costs if the decision is affirmed without hearing the respondent: *Passingham v. Pitty*, 17 C. B. 299; 25 L. J. C. P. 4; or if a decision against the appellant is in favour of the vote: *De Boniville v. Arnold*, 1 C. B. (N.S.) 22; but where a case was sent back to be re-stated, and the appellant afterwards dropped the appeal, costs were refused to the respondent: *Lasse v. Maillard*, L. R. 4 C. P. 179; and if the revising barrister encourages the appeal, the practice is not to give costs: *Ford v. Boon*, L. R. 7 C. P., at p. 158. Similarly, where no counsel having appeared for the respondents, a case was re-argued at the request of the Court, communicated to the Attorney-General, the Court, in giving judgment for the respondent, gave it without costs: *Pickard v. Baylis*, 5 C. P. D., at p. 247.

6 Vict. c. 18.

71. In case any sum of money by the order of any revising barrister as aforesaid directed to be paid by any person by way of fine or for costs shall not be paid according to the terms of such order, it shall be lawful for any justice of the peace and he is hereby required, upon proof before him that a true copy of the said order hath been served upon or left at the usual place of abode of the person in the said order directed to pay such sum, and that the said sum hath been demanded of such person, and that he hath refused or neglected to pay the same, by warrant under his hand and seal to order the said sum of money, together with the costs of and attending the said warrant, to be levied by distress and sale of the goods and chattels of such person so making default which may be found within the jurisdiction of the said justice; and the overplus, if any, after the said sum of money and costs, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner of the said goods and chattels: Provided always, that no certiorari or other writ or process for the removal of any such order or warrant, or of any order or warrant to be made or issued on account of a false charge of personation in the manner hereinafter provided, or any proceeding thereon respectively, into any of her Majesty's Courts at Westminster, shall be allowed or granted.

Costs and fines to be recovered by distress and sale of goods.

No certiorari allowed.

[72. Repeal of 3 Geo. 3, c. 24.]

[73-74. Amendments of Reform Act, 1832, as to successive occupation in counties, and as to trust and mortgage estates. See these sections, *ante*, Part I., "Qualification of electors."]

75. And whereas by the said first-recited Act it is enacted,* that in every city or borough which shall return a member or members to serve in any future Parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being either separately or jointly with any land within such city, borough, or place, occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions thereafter contained, be entitled to vote in the election of a member or mem-

Right of voting in boroughs by occupiers of houses, &c., of the annual value of £10.

* p. 17.

6 Vict. c. 18,
s. 75.

*Misnomer in
Rate.*

* *Now 5th Jan.*

Inaccurate de-
scription in
rate not to pre-
vent persons
being regis-
tered.

† *Now 15th.*

‡ *Now 5th Jan.*

bers to serve in any future Parliament for such city or borough ; and it is also provided, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid, on or before the twentieth day of July in such year, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the *sixth day of April* * then next preceding : And whereas doubts have arisen how far any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as in the said recited Act are mentioned, or any inaccurate description of the premises so occupied, has the effect of preventing any such person from being registered and entitled to vote in respect of such premises in any year : Be it therefore declared and enacted, that where any person shall have occupied such premises as in the said recited Act are mentioned for twelve calendar months next previous to the *last* † day of July in any year, and such person being the person liable to be rated for such premises shall have been *bond fide* called upon to pay in respect of such premises all rates made for the relief of the poor in such parish or township during the time of such his occupation so required as aforesaid, and such person shall have *bond fide* paid on or before the twentieth day of July in such year, all sums of money which he shall have been called upon to pay as rates in respect of such premises for one year previously to the *sixth day of April* ‡ then next preceding, such person shall be considered as having been rated and paid all rates in respect of such premises within the meaning of the said recited Act, and be entitled to be registered in respect of the same in any year, any misnomer or inaccurate or insufficient description in any rate of the person so occupying, or of the premises occupied notwithstanding.

This section is applied to counties by s. 30 of the Act of 1868, *post*.

Last day of July altered to 15th day of July by s. 7 of the Act of 1878 and s. 12 of the Act of 1885, and 6th April to 5th Jan. by 11 & 12 Vict. c. 90.

"N. Arnison and Sons" was held to sufficiently describe both the sons in *Little v. Penrith Overseers*, L. R. 8 C. P. 259 ; 42 L. J. C. P. 28 ; and "No. 4, Golden Lane" in mistake for "No. 3, Golden Lane" to be curable under the section : *Cook v. Luckett*, 2 C. B. 158. But the omission of the name of a joint occupier is no misnomer within the section : *Moss v. Litchfield*, 14 L. J. C. P. 56.

[76-78. See these sections, *ante*, Part I., p. 32.]

Conclusiveness
of register.

79. At every future election for a member or members to serve in Parliament for any county, city, or borough, the register of voters so made as aforesaid shall be deemed and taken to be

conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force in such election.

6 Vict. c. 18,
s. 95.

A proviso as to cesser of qualification is repealed by the Ballot Act, 1872. See further as to conclusiveness of the register, s. 7 of that Act, Part V., *post*.

[80–96. Questions at poll as to identity of voter—poll books—personation of voter at election. See these sections so far as unrepealed, *post*, Part V., “The Election.”]

97. Every sheriff, under sheriff, clerk of the peace, town clerk, secondary, returning officer, clerk of the Crown, postmaster, overseer, or other person, or public officer, required by this Act to do any matter or thing, shall for every wilful misfeasance, or wilful act of commission or omission contrary to this Act, forfeit to any party aggrieved the penal sum of one hundred pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party, with full costs of suit, by action for debt in any of her Majesty’s Superior Courts at Westminster: Provided always, that nothing herein contained shall be construed to supersede any remedy or action against any returning officer according to any law now in force.

Parties
wilfully
contravening
the Act liable
to action.

An action lies at common law against a returning officer for maliciously refusing to admit an elector’s vote; and the elector may sue, if qualified to vote, whether or not the candidate for whom he desired to vote was elected: *Ashby v. White*, 2 Ld. Raym. 838; 3 Salk. 17; 1 Smith, L. C.; *Pryce v. Belcher*, 4 C. B. 866.

[98, 99. Repealed by Ballot Act, 1872.]

100. It shall be sufficient, in every case of notice to any person objected to in any list of county, city, or borough voters, and in the livery list of the city of London, and also in the case of county voters to the occupying tenant whose name and place of abode appears in such respective list as aforesaid, if the notice so required to be given as aforesaid shall be sent by the post, free of postage, or the sum chargeable as postage for the same being first paid, directed to the person to whom the same shall be sent at his place of abode as described in the said list of voters; and whenever any person shall be desirous of sending any such notice of objection by the post, he shall deliver the same, duly directed, open and in duplicate, to the postmaster of any post office where money orders are received or paid, within such hours as shall have been previously given notice of at such post office, and under such regulations with respect to the registration of such letters, and the fee to be paid for such registration (which fee shall in no case exceed twopence over and above the ordinary rate of postage), as shall from time to time be made by the Postmaster-General in that behalf; and in all cases in which such fee shall have been duly paid the postmaster shall compare the said notice and the duplicate, and on being satisfied that they are alike in their address and in their

Notice of
objection may
be sent by the
post.

6 Vict. c. 18,
s. 100.

*Posting of
Notice of
Objection.*

contents, shall forward one of them to its address by the post, and shall return the other to the party bringing the same, duly stamped with the stamp of the said post office; and the production by the party who posted such notice of such stamped duplicate shall be evidence of the notice having been given to the person at the place mentioned in such duplicate on the day on which such notice would in the ordinary course of post have been delivered at such place; Provided also, that if no place of abode of the person objected to shall be described in the said list, or if such place of abode shall be situate out of the United Kingdom, then it shall be sufficient if notice shall be given to the said overseers, and to such occupying tenant as aforesaid (if any) in the case of a county voter, or, in the case of a city or borough voter, to the overseers or to the town clerk, or, in the case of a liveryman of the city of London, to the secondaries and clerk of the particular company to which the person objected to shall belong, as is in each of the said cases hereinbefore required.

As to notice of objection in counties, see s. 7, and in boroughs, see s. 17. To oppose a mere claimant under s. 89, no notice is required.

It shall be sufficient.] This section is enabling and facilitating only, and not obligatory, so as to prevent other modes of service being good. Therefore, if overseers in fact receive and publish an objection in time, proof by production of a stamped duplicate is unnecessary: *Smith v. Huggett*, 11 C. B. (N.S.) 55; 31 L. J. C. P. 38; 5 L. T. 357; 10 W. R. 80; see also s. 101.

Place of abode, as described in the said list.] It is enough to mention this place in the address only: *Barclay v. Parrott*, 1 C. B. (N.S.) 49; nor need the name of the parish be added: *Hunt v. Sharp*, 17 C. B. 281.

"The said list" is, as regards counties, a copy of the register sent to the overseers under s. 3 of the Act of 1865; and if the overseers alter an address upon that list, a notice sent to such altered address is bad: *Noseworthy v. Buckland on the Moor Overseers*, L. R. 9 C. P. 233; 48 L. J. C. P. 27; 29 L. T. 675; 22 W. R. 155; 2 H. & C. 127.

Postmaster.] Delivery to a deputy, or a clerk or other agent of the postmaster, is sufficient: *Cooper v. Coates*, 5 M. & G. 98.

Within such hours.] Delivery out of the hours, if the postmaster choose to accept it, is sufficient: *Hannaford v. Whiteway*, 1 C. B. (N.S.) 53; 26 L. J. C. P. 75.

Stamped duplicate.] A correct stamped duplicate is not vitiated by an incorrect original, if produced by the objectee: *Norris v. Pilcher*, L. R. 4 C. P. 417; 38 L. J. C. P. 69; 1 H. & C. 173. In this case the objector stated 22, Southampton Street, Bloomsbury, London, W.C., as his place of abode on the register, and 110, Guildford Street, Russell Street, W.C., as his present place of abode; and it was held that "London" might be supplied, and "Russell Street," rejected as surplusage.

A stamped copy having no external address is insufficient: *Birch v. Edwards*, 5 C. B. 45; 17 L. J. C. P. 32; but the mere heading "copy" is immaterial: *Benesh v. Booth*, 18 C. B. (N.S.) 111; 34 L. J. C. P. 99; 11 L. T. 479; 13 W. R. 271. The stamped duplicate must be signed by the objector himself: *Toms v. Cuming*, 7 M. & G. 88; 8 Scott N. R. 827, and if so signed, is evidence of the original having been so signed: *Lewis v. Roberts*, 11 C. B. (N.S.) 23; 31 L. J. C. P. 51; 5 L. T. 351; 10 W. R. 80; 8 Jur. (N.S.) 485; K. & G. 402.

The duplicate proves itself: it is not necessary that the person who actually

posted the notice should produce it: *Cuming v. Toms*, 7 M. & G. 29; 8 Scott, N. R. 827.

6 Vict. c. 18.

Ordinary course of post.] A notice so sent as to be delivered on Sunday is good: *Colville v. Lewis*, 2 C. B. 60; and, generally, a notice so sent as to be deliverable in time is good, although from some accident it may have been in fact delivered late: *Bishop v. Helps*, 2 C. B. 45; *Horneby v. Robson*, 1 C. B. (N.S.) 63; but where there is no delivery in the ordinary course at the residence of the elector, and the notice could only reach him by accidental conveyance, it seems that a notice reaching the post-town only in time is too late: *Lewis v. Evans*, L. R. 10 C. P. 297; 44 L. J. C. P. 41; 31 L. T. 487; 23 W. R. 244; 2 H. & C. 279; in that case the elector's place of abode was two miles from the post town; the notice was posted in time to reach the post town on the 19th of August at 10 A.M., and it was held by Brett and Denman, JJ., that though the objector had fulfilled all the conditions required of him, there was no evidence that the elector had received the notice on the 20th.

101. Throughout this Act, in the construction thereof, except there be something in the subject or context inconsistent with or repugnant to such construction, the word "county" shall extend to and mean any county, riding, parts, or division of a county, respectively returning a knight or knights of the shire to serve in Parliament; and the words "city or borough" shall extend to and mean any city, borough, town corporate, cinque port, district, or place within England and Wales returning a member or members to serve in Parliament, other than counties at large, and ridings, parts, and divisions of counties at large, and to every place sharing in the election of a member for any city or borough, and shall also include the town of Berwick-upon-Tweed; that the words "clerk of the peace" shall comprehend and apply to any deputy or other person executing the duties of such clerk of the peace; and the words "town clerk" shall, except in regard to the cities of London and Westminster and the borough of Southwark, extend to and mean any person executing the duties of town clerk, or if in any city or borough there shall be no such officer as town clerk, then to any officer executing the same or like duties as usually devolve upon the town clerk, or if in any city or borough there be no such person, then to the returning officer of such city or borough, or to such person as the returning officer may appoint for that purpose, which he is hereby authorized to do; and the words "barrister" or "barristers" shall respectively be taken to include a serjeant or serjeants at law; and the words "returning officer" shall apply to every person or persons to whom by virtue of his or their office, under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called; and the words "parish or township" shall extend to and mean every parish, township, village, hamlet, district, or place maintaining its own poor; and the words "overseers" or "overseers of the poor" shall extend to and mean all persons who by virtue of any office or appointment shall execute the duties of overseers of the

Interpretation clause.

"County."

"City or borough:"

"Clerk of the peace"

"Town clerk:"

"Barrister:"

"Returning officer:"

"Parish or township"

"Overseers."

6 Vict. c. 18,
s. 101.

*Interpretation
Clause.*

Service of
notices on
overseers.

On other
persons.

Justices,
sessions, clerks
of the peace,
and treasurers
of counties.

Misnomer not
to vitiate.

“Oath.”

Singular.

Plural.

poor, by whatever name or title such persons may be called, and in whatsoever manner they may be appointed, and that all matters by this Act directed to be done by the overseers of a parish or township may be lawfully done by the major part of such overseers; and that wherever any notice is by this Act required to be given or sent to the overseers of any parish or township, it shall be sufficient if such notice shall be delivered to any one of such overseers, or shall be left at his place of abode, or at his office or other place for transacting parochial business, or shall be sent by the post, free of postage, or the postage thereof being first paid, addressed to the overseers of the particular parish or township, naming the parish or township, and the county, city, or borough respectively, to which the notice to be so sent may relate, without adding any place of abode of such overseers; and that wherever by this Act any notice is required to be given or sent to any person or persons whatsoever, or public officer, it shall be sufficient if such notice be sent by the post in the manner and subject to the regulations hereinbefore provided with respect to sending notices of objection by the post, free of postage, or the postage thereof being first paid, addressed with a sufficient direction to the person or persons to whom the same ought to be given or sent, at his or their usual place of abode; and that all provisions in this Act relative to any matters to be done by or with regard to justices of the peace for counties, or sessions of the peace for counties, or clerks of the peace for counties, or treasurers of counties, shall extend to the justices, sessions, clerks of the peace, and treasurers of the several ridings of Yorkshire and parts of Lincolnshire; and that the town clerk for the time being for the borough of Newport in the Isle of Wight shall for the purposes of this Act be deemed and taken to be the clerk of the peace for the county of the Isle of Wight; and that all the said respective justices, sessions, and clerks of the peace shall have power to do the several matters required by this Act, as well within places of exclusive jurisdiction as without; and that no misnomer or inaccurate description of any person, place, or thing named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing, provided that such person, place, or thing, shall be so denominated in such schedule, list, register, or notice, as to be commonly understood; and that the word “oath” shall include affirmation, where by law such affirmation is required or allowed to be taken in place of an oath; and where the subject or context requires it, every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things.

Overseers.] Assistant overseers are included in this description: Points v. 6 Vict. c. 18. Attwood, 6 C. B. 38.

***By the post.*]** See note to s. 100.

Misnomer.] Compare s. 75 of the Act, *ante*, p. 109. The provision as to misnomers applies only to cases where a party, intending to describe accurately, describes insufficiently, as where a name is slightly mis-spelt: *Hinton v. Hinton*, 7 M. & G. 163, and not to cases where a place of abode has been changed: *Melbourne v. Greenfield*, 29 L. J. C. P. 81; 7 C. B. (N.S.) 1; 6 Jur. (N.S.) 510; 1 L. T. 93. Sufficiency of description is a question of fact for the revising barrister: *Jones v. Pritchard*, L. R. 4 C. P. 414; 38 L. J. C. P. 67; 19 L. T. 563; 17 W. R. 175; 1 H. & C. 91; *Thackway v. Pilcher*, L. R. 2 C. P. 100; 36 L. J. C. P. 73; 15 L. T. 443; 15 W. R. 223.

See further s. 28, sub. 2 of the Act of 1878, p. 153.

[Schedule A. *Forms for Counties*, No. 1, being Form of Precept, repealed by Act of 1865, and the remainder by the Act of 1885.]

[Schedule B. *Forms 1-4 for Boroughs* repealed by Acts of 1878 and 1885.]

No. 5.

LIST of FREEMEN to be published by the TOWN CLERK.

[See s. 14,
p. 81.]

THE LIST of FREEMEN of the city [or borough] of [or of],
being a place sharing in the election with the city [or borough]
of [] entitled to vote in the election of a member [or members]
for the said city [or borough].

Christian Name and Surname of each Freeman at full Length.	Place of his Abode.

No. 7.

NOTICE of CLAIM by FREEMEN to be given to the TOWN CLERK.

To the Town Clerk of the City [*or Borough*] of
I HEREBY give you notice, that I claim to have my name inserted in
the list made by you of persons entitled as freemen to vote in the election
of a member [*or members*] to serve in Parliament for the city [*or borough*]
of _____, and that my qualification is as freeman of _____, and that I
reside in _____ Street, in this city [*or borough, or as the case may be*].
Dated this _____ day of _____ one thousand eight hundred and _____.

(Signed) *J.D.*

6 Vict. c. 18,
Sched. B.

Forms as to
Freemen.

No. 9.

LIST of CLAIMANTS to be published by the TOWN CLERK.

THE following persons claim to have their names inserted in the list of the freemen of the city [or borough] of [or of], being a place sharing in the election with the city [or borough] of], entitled to vote in the election of a member [or members] for the said city [or borough].

Christian Name and Surname of each Person as in Claim.	Place of his Abode.

No. 13.

THE LIST of PERSONS objected to, to be published by the TOWN CLERK.

THE following Persons have been objected to as not being entitled to have their names retained on the list of the freemen of the city [or borough] of [or of] being a place sharing in the election with the city [or borough] of], entitled to vote in the election of a member [or members] for the said city [or borough].

Christian and Surname of each Person objected to.	Place of his Abode.

(Signed) A.B. { Town Clerk of the said City
[or Borough or Place].

**6 Vict. c. 18,
Sched. C.**

*Forms for City
of London.*

No. 3.

LIST of CLAIMANTS to be published by the SECONDARIES of the City of London.

THE following persons claim to have their names inserted in the list of persons entitled to vote, as freemen of the City of London and liverymen of the several companies herein specified, in the election of members for the City of London

Christian Name and Surname of Claimants, as in the Claim.	Place of Abode.	Name of the Company.

Dated the day of

(Signed)

A.B.
C.D.

Secondaries of the City of London.

No. 4.

NOTICE of OBJECTION to PARTIES inserted in the list of the livery.

To Mr.

I HEREBY give you notice, that I object to your name being retained in the list of persons entitled to vote, as freemen of the City of London and liverymen of the company of _____ in the election of members for the said city.

Dated the day of

(Signed)

A.B. of [Place of Abode], on the list of voters of .

No. 5.

NOTICE of OBJECTION to be given to the SECONDARIES of the City of London, and to the CLERKS of the respective Livery Companies.

To the secondaries of the City of London [*or to the Clerk of the Company of* .]

I HEREBY give you notice, that I object to the name of being retained in the list of persons entitled to vote, as freemen of the City of London and liverymen of the company of in the election of members for the said City.

Dated this day of

(Signed)

A.B. of [Place of Abode], on the list of voters of .

NOTE.—If the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

6 Vict. c. 18. by the tables prescribed by s. 21 of the Precepts in the Schedules 2 and 3 of the Act of 1885, p. , counties, and p. , boroughs, which, however, repeat it without variation. Table No. 2 has no corresponding table in the Schedules to the Act of 1885.

14 & 15 Vict. c. 14. **14 & 15 Vict. c. 14.** An Act to amend the Law for the Registration of certain Persons commonly known as "Compound Householders," and to facilitate the Exercise by such Persons of their Right to vote in the Election of Borough Members to serve in Parliament.
[3rd July, 1851.]

2 & 3 Will. 4, c. 45.
* p. 17.

Whereas by an Act passed in the second year of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People of England and Wales," it is enacted,* that no person shall be registered to vote for members to serve in Parliament in any year in respect of the occupation of premises in any city or borough unless such person shall have been rated in respect of such premises to all rates for the relief of the poor in the parish or township where the same are situated made during the time of such his occupation, nor unless such person shall have paid on or before the twentieth of July in such year all the poor's rates and assessed taxes which shall become payable from him in respect of such premises previously to the sixth day of April then next preceding: And whereas the said Act was amended, in so far as relates to the period when such rates and taxes shall be required to be paid, by an Act passed in the session held in the eleventh and twelfth years of her present Majesty, intituled "An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors:"† And whereas by the said firstly-recited Act it is further enacted, that it shall be lawful for any person occupying premises in any city or borough which shall return a member or members to serve in any future Parliament to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof, and upon such occupier so claiming, and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situated are thereby required to put the name of such occupier upon the rate for the time being, and in case such overseer shall neglect or refuse so to do such occupier shall nevertheless for the purposes of the said Act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: And whereas it is often inconvenient or impracticable for such persons to make continual claim in respect of each rate, and many

† p. 33.

persons are consequently deprived of the franchise: Be it therefore enacted, That and from after the passing of this Act no person so claiming to be rated, and paying or tendering on or before the twentieth day of July in each year the full amount of the rate or rates (if any) due in respect of such premises on the fifth day of January preceding, shall be required to make any further claim in regard to any future rate upon the premises in respect whereof his right to vote in any such election as aforesaid shall arise, but shall be entitled to be put on the list and to be registered as a voter, provided he shall have occupied the premises in the manner and for the time required by the said firstly-recited Act, and provided the poor's rates and assessed taxes chargeable upon the same shall have been paid for the period and up to the time required by law in respect of all persons entitled to vote in the election of members of Parliament for any borough under the provisions of the said firstly-recited Act.

14 & 15 Vict.
c. 14.

Persons having once claimed to be rated and paying rates due 5th January preceding, not required to renew claim.

It had been held in *Wansey v. Perkins* (8 Scott, N. R. 970, 7 M. & G. 145, 14 L. J. C. P. 59, 9 Jur. 115), that under s. 30 of the Reform Act, 1832, p. 20, *ante*, a claim to be rated was limited to the rate for the time being.

2. Every person so claiming as aforesaid who shall be registered as a voter in respect of the premises to which his claim relates shall, in respect of every rate for the relief of the poor made and published after such claim as aforesaid, while he continues to occupy the same premises and to be a registered voter in respect thereof, be liable to the same extent and in the same manner as in respect of the rate published next before the making of such claim.

Liability to rates to continue.

3. In cases where by any composition with the landlord a less sum shall be payable than the full amount of rate which, except for such composition, would be due in respect of the same premises, the occupier claiming to be rated shall not be bound to pay or tender more than the amount then payable under such composition.

Compositions with landlord to determine amount of rate.

28 Vict. c. 36. County Voters Registration Act, 1865.

28 Vict. c. 36.

An Act to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases. [2nd June, 1865.]

“Whereas it is expedient to amend an Act passed in the Session of Parliament holden in the sixth and seventh years of the reign of her Majesty, intituled *An Act to amend the Law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales*, so far as relates to the

28 Vict. c. 36.

registration of county voters, and to the powers and duties of revising barristers :” BE IT ENACTED, as follows :

Short title.

1. This Act may be cited as “The County Voters Registration Act, 1865,” and shall be construed with and as part of the said recited Act, hereinafter termed “the Principal Act.”

The Act extends in many cases to boroughs as well as counties. See ss. 13-16, which extended to boroughs by virtue of the Act itself, and ss. 10, 11, which were extended, with amendments, by ss. 24, 25 of the Act of 1878.

Precept to overseers.

2. The clerk of the peace shall, on or before the tenth day of June in every year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept *according to the Form No. 1. in Schedule (A.) to this Act*, instead of the precept numbered 1. in Schedule (A.) to the Principal Act, together with the forms of notices, list, and copies of register in the Principal Act mentioned.

A further new form of precept is now provided by Sched. 2 of the Act of 1885, p. 180, *post*.

Overseers to publish register.

3. The clerk of the peace of every county shall, together with the precept, transmit to the overseers of every parish or township within such county a sufficient number of copies of the part or parts of the register relating to such parish or township ; and the overseers of the poor of every parish and township shall, on or before the twentieth day of June in every year, and at the same time with the publication of the notice mentioned in the fourth section of the Principal Act, publish a copy of the register then in force relating to their parish or township, and shall remove the same after a period including two Sundays at least, and not later than the twentieth day of July.

4. *The twentieth day of August shall be the last day for giving notices of objection to the overseers and to the person objected to ; and the seventh section of the Principal Act shall be read as if the word “twentieth” had been substituted therein for the word “twenty-fifth.”*

Repealed by Act of 1885. See s. 3 of that Act which makes the 20th of August a date of general application, thus rendering the section unnecessary.

5. *The first day of September shall be the last day for the delivery, by the overseers, to the clerk of the peace, of the papers mentioned in the ninth section of the Principal Act ; and such section shall be read as if the words “first day of September” had been substituted therein for the words “twenty-ninth day of August.”*

Repealed by Act of 1885. See s. 3 of that Act and note to last section.

Grounds of objection to be specified in notice.

6. Any notice of objection to any person on the list of claimants for any parish or township may be given according to the provisions of the seventh section of the Principal Act,* but with that exception no notice of objection given under the provisions of the said seventh section, other than a notice to the overseers, shall be valid, unless the ground or grounds of objection be specifically stated therein ; and this provision shall be deemed to be sufficiently satisfied by naming the column or columns of the

* p. 78.

list on which the objector grounds his objection: Provided always, That if the objection be grounded on the third column, then it shall be necessary to state in the notice whether the objection relates to the nature of the voter's interest in the qualifying property, or to the value of the qualifying property, or to both; and each of such last-mentioned grounds of objection shall be deemed a separate ground of objection, as well as any objection grounded on any one of the other columns; and *such last-mentioned notice may be according to the Form numbered 2 in Schedule (A.) to this Act, or to the like effect, in substitution for the Form numbered 5 in Schedule (A.) to the Principal Act.*

28 Vict. c. 36.

By s. 26 of the Act of 1878, p. 152, this section is in effect extended to objections in boroughs within that Act. The form of notice in Schedule A. to the Act is superseded by Form No. 5 (a) in Schedule 2, Part II., of the Act of 1885. The corresponding form for boroughs is Form I., No. 2, in Schedule 3 of the same Act.

7. No person objected to under the provisions of this Act shall be required to give evidence before the revising barrister in support of his right to be registered, otherwise than as such right shall be called in question in such ground or grounds of objection.

Evidence by person objected to.

By s. 26 of the Act of 1878, p. 152, this and the next section are expressly extended to boroughs.

8. Every separate ground of objection shall be treated by the revising barrister as a separate objection; and for every ground of objection which, in the opinion of the revising barrister, shall have been groundlessly or frivolously and vexatiously stated in a notice of objection, he shall, on the application of the person objected to, or any one on his behalf, and upon production of the notice of objection, award costs against the objector to the amount at least of two shillings and sixpence, and this through the name of the person objected to be expunged upon some other ground of objection stated in the same notice of objection.

Each ground of objection to be treated separately.

As to costs in Revision Court generally, see s. 46 of the Act of 1843 and s. 13 of this Act, which raises the maximum amount from forty shillings to five pounds.

9. The provisions of the hundredth section of the Principal Act shall apply to notices of objection given under the provisions of this Act.

Posting of notice.

The 100th section of the Act of 1843 provides that any notice of objection may be sent by the post.

10. Any person whose name appears on the list of voters then in force, and whose then place of abode is not correctly stated in the said list, or who shall have received a notice of objection grounded on the second column of the list, and who shall have possessed on the last day of July the same qualification in respect of which his name has been inserted on the list, may, if he think fit, make and subscribe a declaration before any justice of the peace, or any commissioner or other person authorized to

Declaration by persons changing abode, and by persons objected to.

28 Vict. c. 36,
s. 10.

*Declaration of
change of
abode, and by
person ob-
jected to.*

* Now 14th,
and in 1885,
5th.

administer oaths in any of her Majesty's Superior Courts at Westminster, *in the form contained in Schedule (B.) to this Act*, or to the like effect; and all such declarations shall be duly dated, and shall, on or before the *fourteenth* * day of September, be transmitted to the clerk of the peace; and it shall be the duty of the clerk of the peace to endorse on every such declaration the name of the polling district, and of the parish or township in which the qualification to which the declaration relates is situate, and the name of the person making the declaration, and also the date on which he has received the same, and to affix his initials to such last-mentioned endorsement, and to deliver all such declarations to the revising barrister at his first Court, arranged under the heads of the several polling districts according to the alphabetical order of the parishes and townships; and every revising barrister shall, for the purpose of correcting the statement in the list of the place of abode of such person, receive any such declaration as evidence, to be used in Court at the proper time, if transmitted to the clerk of the peace on or before such last-mentioned day, of which the endorsement in that behalf by the clerk of the peace shall be *prima facie* proof, and if purporting to be subscribed before a justice of the peace, or commissioner, or other person authorized as aforesaid, without proof of the signature of the person subscribing the same, or of the justice, commissioner, or person before whom the same purports to have been subscribed, unless he shall have good reason to doubt the genuineness of any signature thereto; and all such declarations may be perused by any person at the office of the clerk of the peace, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, before the twentieth day of September; and the clerk of the peace shall deliver copies of any such declaration to all persons applying for the same, on payment of the price of fourpence per folio of seventy-two words.

By s. 4, subs. (2) of the Act of 1885, declarations under this section must be transmitted to the clerk of the peace before the 12th (instead of before the 14th) day of September, and the declarations are to be open for inspection, and copies are to be on sale "on any day prior to the first day on which a Court for the revision of the lists of voters in a parliamentary county can be held;" and by s. 30 (a) of the Seats Act, p. 241, the declarations are to be sent, in 1885, on or before the 5th.

The form is now, for ownership voters, Form No. 7 of Schedule 2, Part I., of the Act of 1885, p. 194, and for occupation voters Form M. of Schedule 2, Part I., of the same Act, p. 204.

Penalty for
falsely signing
such declara-
tion.

11. Any person falsely or fraudulently signing any such declaration in the name of any other person, whether such person shall be living or dead, and every person transmitting as genuine any false or falsified declaration, knowing the same to be false or falsified, and any person knowingly and wilfully making any false statement or fact in such declaration, shall be guilty of a misdemeanor, and punishable by fine or imprisonment for a term

not exceeding one year, and the revising barrister shall have power to impound any such declaration. 28 Vict. c. 36.

12. *No Court shall be holden by a revising barrister for the revision of the lists of any county before the twentieth day of September in any year.*

Repealed by Act of 1885. See s. 40 of that Act, and note, p. 169.

13. Every order for costs by a revising barrister, whether revising the lists of a county, city, or borough, in the case of any objection, shall be made before his proceeding to hear any objection stated in any other notice of objection, and such order may be delivered either to the person to whom the costs shall therein be ordered to be paid, or to some other person on his behalf: Provided always, That this section shall not be taken to repeal the last proviso contained in the forty-sixth of the Principal Act. Orders for costs.

14. The sum ordered to be paid by way of costs shall not upon any one vote exceed the sum of five pounds, and the forty-sixth section of the Principal Act shall be read as if the words "five pounds" had been substituted therein for the words "twenty shillings." Costs up to £5.

This section, the opening words of which seem to point to a decrease of the amount, raises it in ordinary cases from 40s. to £5.

15. It shall be the duty of every revising barrister, whether revising the lists of a county, city, or borough, before signing any page of any list, as required by the forty-first section of the Principal Act, to read out audibly in open Court the names expunged and inserted by him therein, and all corrections and insertions made by him. Revising barrister to read out names expunged and inserted.

16. It shall be lawful for any revising barrister, whether revising the lists of a county, city, or borough, to order any person to be removed from his Court who shall interrupt the business of the Court, or refuse to obey his lawful orders in respect of the same; and it shall be the duty of the chief constable, commissioner, or chief officer of the police of the county, city, borough, or place in which the Court is held, to take care that an officer of police do attend that Court during its sitting, for the purpose of keeping order therein, and to carry into effect any order of the revising barrister as aforesaid. Power to remove persons from Court who interrupt proceedings.

This section does not authorize an order of removal on the ground of past misconduct at a prior revision: *Willis v. MacLachlan*, 1 Ex. D. 376; 45 L. J. Q. B. 689; 35 L. T. 218; in this case the defendant, a revising barrister, had ordered the removal of the plaintiff on the ground of having wrongfully withheld documents, and by so doing caused a claimant to lose his vote. The plaintiff suing for false imprisonment, the defendant obtained a nonsuit on the ground that his discretion under this section could not be renewed, but the Court set the nonsuit aside.

17. For the purposes of this Act the word "value" shall in the case of an objection to any person claiming to be retained or inserted in the list as an occupying tenant mean "amount of rental." Meaning of "value."

28 Vict. c. 36.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

[No. 1.—*Precept of the clerk of the peace to the overseers.* Superseded by Form No. 1 in Act of 1885.]

[No. 2.—*Notice of objection to parties already on register objected to by any person other than overseers and to occupying tenant.* Superseded by Form No. 5 b in Act of 1885.]

SCHEDULE (B.)

[*Form of declaration by voter as to his place of abode.* Superseded by Forms 7 and M. of Act of 1885.]

29 & 30 Vict.
c. 54.

29 & 30 Vict. c. 54. An Act to amend the Law relating to the Qualifications of Revising Barristers.
[30th July, 1866.]

6 & 7 Vict.
c. 18.

“Whereas it is expedient to amend an Act passed in the sixth year of the reign of her present Majesty, intituled *An Act to amend the Law for the Registration of Persons entitled to vote and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales*, so far as it relates to the qualifications of revising barristers;” BE IT ENACTED, as follows:

Barrister
being a com-
missioner
under 16 & 17
Vict. c. 57
not disqualified
as revising
barrister.

1. That, notwithstanding anything in the recited Act, the appointment of or the holding office by any barrister as a commissioner appointed before or after the passing of this Act, under an Act of the fifteenth and sixteenth years of the reign of her present Majesty, chapter fifty-seven, shall not disqualify such barrister for the appointment to or from holding the office of revising barrister.

30 & 31 Vict.
c. 102.

30 & 31 Vict. c. 102. Representation of the People Act, 1867.

[For sections of this Act not here given, see Part I., “Qualification of Electors,” *ante*, and Parts III., IV., V., “Electoral Areas,” “Disqualification of Candidates,” and “The Election,” *post*.]

Notice of rate
in arrear to be
given by
overseers to
voters.

28. Where any poor rate due on the fifth day of January in any year from an occupier in respect of premises capable of conferring the franchise for a borough remains unpaid on the first day of June following, the overseers whose duty it may be to collect such rate shall, on or before the twentieth of the same month of June, unless such rate has previously been paid, or has been duly demanded by a demand note, to be served in like

manner as the notice in this section referred to, give or cause to be given a notice *in the Form set forth in Schedule (E.) to this Act* to every such occupier. The notice shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. Any overseer who shall wilfully withhold such notice, with intent to keep such occupier off the list or register of voters for the said borough, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

30 & 31 Vict.
c. 102.

Penalty for
withholding
notice.

See now Form C., No. 1, in Schedule 3 of the Act of 1885, p. 221, which by s. 18 of that Act replaces the form prescribed by this section, and as to counties, see Form C., No. 1, in Schedule 2 of the same Act.

29. The overseers of every parish wholly or partly within a borough shall, on or before the twenty-second day of July in every year make out a list containing the name and place of abode of every person who shall not have paid, on or before the twentieth day of the same month, all poor rates which shall have become payable from him in respect of any premises within the said parish before the fifth day of January then last past, and the overseers shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days after the said twenty-second day of July; any overseer wilfully neglecting or refusing to make out such list, or to allow the same to be perused as aforesaid, shall be deemed guilty of a breach of duty in the execution of the registration Acts.

Overseers to
make out list
of persons in
arrear of rates,
to be open to
perusal with-
out fee.

Penalty for
neglect.

Registration of Voters.

30.* The following regulations shall in and after the year one thousand eight hundred and sixty-eight be observed with respect to the registration of voters:

Registration
of lodgers.

* *Repealed
except as to
lodgings, by
Act of 1885.*

1. The overseers of every parish or township shall make out or cause to be made out a list of all persons on whom a right to vote for a county in respect of the occupation of premises is conferred by this Act, in the same manner, and subject to the same regulations, as nearly as circumstances admit, in and subject to which the overseers of parishes and townships in boroughs are required by the Registration Acts * to make out or cause to be made out a list of all persons entitled to vote for a member or members for a borough in respect of the occupation of premises of a clear yearly value of not less than ten pounds:

* p. 80.

2. The claim of every person desirous of being registered as a voter for a member or members to serve for any borough in respect of the occupation of lodgings shall

30 & 31 Vict.
c. 102, s. 30.

*Claim by
Lodger.*

* Now 20th.

† p. 83.

† p. 92.

be in the Form numbered 1 in Schedule (G.), or to the like effect, and shall have annexed thereto a declaration in the form and be certified in the manner in the said schedule mentioned, or as near thereto as circumstances admit; and every such claim shall after the last day of July and on or before the *twenty-fifth* * day of August in any year be delivered to the overseers of the parish in which such lodgings shall be situate, and the particulars of such claim shall be duly published by such overseers on or before the first day of September next ensuing in a separate list, according to the Form numbered 2 in the said Schedule (G.):

So much of Section 18, of the Act of the session of the sixth year of the reign of her present Majesty, chapter eighteen,† as relates to the manner of publishing lists of claimants, and to the delivery of copies thereof to persons requiring the same, shall apply to every such claim and list; and all the provisions of the 38th and 39th sections of the same Act‡ with respect to the proof of the claims of persons omitted from the list of voters, and to objections thereto, and to the hearing thereof, shall, so far as the same are applicable, apply to claims and objections, and to the hearing thereof, under this section.

This section is repealed, except as to lodgers, by s. 17 of the Act of 1885, and Schedule 1, *post*. See pp. 165 and 187.

20th day of August substituted for 25th day of August by s. 3 of the Act of 1885, p. 167.

Lodgers already on the register may make a claim on or before the 25th of July, and the overseers on or before the 31st of July must make out a list called the "Old Lodgers List" of the persons so claiming. See s. 22 of the Act of 1878, p. 150. By making such a claim they can be objected to only after notice of objection, whereas if they delay the claim till the 25th of August they may be objected to under s. 39 of the Act of 1843, p. 92, without such notice.

The forms prescribed by the section were replaced by Forms H., No. 2, and K., No. 2, of the Act of 1878, which latter forms are now replaced by Forms H., No. 2, in Schedule 3 of the Act of 1885, which schedule also contains a new form for lodgers in counties (Forms H., No. 2 of Schedule 2), and "Old Lodgers Lists."

It was essential under this section that the lodger should claim *annually*, and the creation of the "Old Lodgers" lists does not dispense with the obligation to claim *annually*. But s. 23 of the Act of 1885, p. 150, provides that the lodger's declaration is *prima facie* evidence of his qualification.

Definition of
"expenses of
registration."

§ p. 102.

31. The word "expenses" contained in the sections fifty-four and fifty-five of the said Registration Act of the session of the sixth year of the reign of her present Majesty, chapter eighteen,§ shall be deemed to and shall include and apply to all proper and reasonable fees and charges of any clerk of the peace of any county, or of any town clerk of any city or borough, to be hereafter made or charged by him in any year for his trouble, care, and attention in the performance of the services and duties imposed upon him by the same Act or by this Act, in addition

to any money actually paid or disbursed by him for or in respect of any such services or duties as aforesaid.

30 & 31 Vict.
c. 102.

32. Whereas several of the hundreds mentioned in the third column of the said Schedule (D.), and therein assigned to Mid Lincolnshire, are situate in the parts of Lindsey, and others are situate in the parts of Kesteven, and the liberty of Lincoln consisting of the city and the county of the city of Lincoln is situate partly in the parts of Lindsey and partly in the parts of Kesteven, and there are separate clerks of the peace for the said parts of Lindsey and Kesteven. In forming the register for the said division of Mid Lincolnshire the clerk of the peace of the parts of Lindsey shall do and perform all such duties as are by law required to be done by clerks of the peace in regard to such of the hundreds assigned to Mid Lincolnshire as aforesaid as are situate within the said parts of Lindsey, and in regard to so much of the liberty of Lincoln aforesaid as is situate within the said parts of Lindsey; and the clerk of the peace of the parts of Kesteven shall do and perform all such duties as are by law required to be done by clerks of the peace in regard to such of the said hundreds assigned to Mid Lincolnshire as aforesaid as are situate within the said parts of Kesteven, and in regard to so much of the liberty of Lincoln aforesaid as is situate within the said parts of Kesteven.

Provision as
to duties of
clerks of peace
in parts of
Lincolnshire.

34. In every county the justices of the peace may divide such county into polling districts, and assign to each district a polling place in such manner as to enable each voter, so far as practicable, to have a polling place within a convenient distance of his residence; and the justices shall advertise a description of the polling districts so constituted by them and the name of the polling place assigned to each district, and shall name the polling places at which the revising barristers are to hold their courts, and no revising barrister shall be obliged to hold his court at any polling place not so named

Revision
courts at
polling places
for counties.

The local authority of each borough shall, if they think convenience requires it divide each borough into polling districts

Where any parish in a borough is divided into or forms part of more than one polling district, the overseers shall, so far as practicable, make out the lists of voters in such manner as to divide the names in conformity with each polling district.

Arrangement
of the borough
lists to corres-
pond with
polling
districts.

The town clerk as defined by the Act of the sixth Victoria, chapter eighteen, shall cause the list of voters for each borough to be copied, printed, arranged, and signed, and delivered in the manner directed by the said Act, so as to correspond with the division of the borough into polling districts . . .

[For parts of this section not here given see *post*, Part V., "The Election."] See further s. 18 of the Act of 1868, and s. 4 of the Act of 1885.

30 & 31 Vict.
c. 102, s. 38.

Time for
delivery of
lists.

Commence-
ment of
register.

38. The forty-seventh and forty-eighth sections of the sixth year of the reign of her present Majesty, chapter eighteen, relating to the transmission and delivery of the book or books containing the list of voters to the sheriff and returning officer, shall be construed as if the word "December" were substituted in those sections for the word "November," and the said book or books shall be the register of persons entitled to vote for the county or borough to which such register relates, at any election which takes place during the year commencing on the first day of January next after such registration is made.

SCHEDULES.

[For Schedules A.-D. and H., see *post*, Parts III. and IV.]

[Schedule E.—*Notice of Rates in Arrear*. Replaced by Form C. 1, in Schedules 2 and 3 of Act of 1885.]

[Schedule G.—*Forms as to Lodgers*. Replaced by Form H. 2, in Schedule 3 of Act of 1885.]

31 & 32 Vict.
c. 58.

31 & 32 Vict. c. 58. Parliamentary Electors Registration Act, 1868.

An Act to amend the Law of Registration so far as relates to the Year One thousand eight hundred and sixty-eight, and for other Purposes relating thereto.

[16th July, 1868.]

"Whereas it is expedient to make provision for expediting the completion of the Registration of Parliamentary electors during the present year, and to make certain amendments in the law relating to elections:" BE IT ENACTED, as follows:

Preliminary.

Definition of
principal Act.

1. "Principal Act" in this Act shall mean the Act passed in the session of the sixth and seventh years of the reign of her present Majesty, chapter eighteen, intituled *An Act to amend the Law for the Registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales*, as amended by "The County Voters Registration Act, 1865."

[17. Amendment of s. 30 of Act of 1867, by declaring that s. 15 of Act of 1843 applies to persons on whom occupation franchise in counties was conferred by Act of 1867.—Repealed by Act of 1885.]

Duties of town
clerk, town
council, and
justices as to
polling
district.

* p. 129.

18. Where a municipal borough forms part of a parliamentary borough the town clerk of such municipal borough shall be deemed to be the town clerk within the meaning of the thirty-fourth section of the Representation of the People Act, 1867,* and the Acts relating to registration.

The local authority within the meaning of the same section,

in boroughs where the Town Council is not the local authority, shall be the Justices of the Peace of the Petty Sessional Division in which such borough is situate, or if such borough be situate in or comprise more than one Petty Sessional Division then the justices in general or quarter sessions having jurisdiction over such borough or the greater part thereof in area.

31 & 32 Vict.
c. 58.

[19. £12 occupiers in counties to appear in separate list.—Repealed by Act of 1885.]

20. Notwithstanding anything contained in the thirtieth section of the Representation of the People Act, 1867,* and the thirty-eighth section of the Principal Act therein referred to, the names of the persons in any parish or township on whom a right to vote for a member or members to serve for any borough in respect of the occupation of lodgings is conferred by the Representation of the People Act, 1867, shall in the lists and register of voters for such boroughs, appear in a separate list.

Lodgers to
appear in
separate list.

* p. 127.

[21. Issue of writs to the County Palatine of Durham.]

Miscellaneous Amendments.

22. Where any parish in a county, city, or borough forms part of more than one polling district, the part of such parish situate in each polling district shall be deemed to be a separate parish for the purposes of the revision of voters and the lists and register of voters, and may be designated by some distinguishing addition in the list of voters for such part of a parish.

Parish situate
in more than
one polling
district.

A notice of objection need not specify on which list the objector's name appears, if two lists be made out: *Chorlton v. Tonge Overseers*, L. R. 7 C. P. 178; 41 L. J. C. P. 33; 26 L. T. 25; 20 W. R. 338; 1 H. & C. 332; nor on which part of the list, if a divided list be made, as appears to be more in accordance with this section.

23. Whereas it is expedient to provide a summary remedy for the recovery by town clerks and returning officers of sums of money due to them in respect of expenses incurred in pursuance of the Registration Acts: Be it enacted, That if the overseers of any parish or township refuse or neglect to pay to the town clerk or returning officer of any borough, out of the first monies to be collected for the relief of the poor, any contribution or sum required to be paid to him by the fifty-fifth section of the Principal Act, or any Act amending the same, or any part of such contribution or sum, it shall be lawful for any Justice of the Peace for the county or place within which such parish or township is wholly or in part situate, upon information and complaint in writing, and after seven days notice in writing to be served upon such overseers or one of them, by warrant under his hand to levy such contribution or sum by distress and sale of the goods of the offender or offenders, together with all costs occasioned by the making of such complaint, service of such summons, and the obtaining and executing such warrant.

Recovery of
expenses by
town clerks
and returning
officers.

31 & 32 Vict.
c. 58.

Appointment
of revising
barrister for
borough in
more than one
circuit.

Production of
rate books by
overseers.

Revising
barrister
may summon
overseers, &c.

Application of
certain rating
sections to
counties.

Expenses of
overseers and
relieving
officers.

[24. *Numbers in polling booths.*—Repealed by Ballot Act, 1872.]

25. Where a borough is situated partly in one circuit and partly in another the judge of the circuit in which the greater part in extent of such borough is situate shall appoint the revising barrister for such borough.

[26. Power of clerk of peace in case of alteration of boundaries under Acts passed in 1867 or 1868.]

[27. Returning officer for Thirsk.]

28. The overseers of every parish or township shall produce to the barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to their parish or township, all rates made for the relief of the poor of their parish or township between the fifth day of January in the year then last past and the last day of July in the then present year; and any overseer wilfully refusing or neglecting to produce any such rates shall be deemed wilfully guilty of a breach of duty in the execution of the Principal Act, and be punishable accordingly.

See ss. 34 and 35 of the Act of 1843.

29. The barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to a parish or township, may require any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, to attend before him at any such court, and they shall attend accordingly, and answer all such questions as may be put to them by the barrister; and any overseer or relieving officer wilfully refusing or neglecting to comply with the requirements authorized to be made by the revising barrister in pursuance of this section shall be punishable in the same manner in which an overseer wilfully guilty of a breach of duty in the execution of the Principal Act is punishable under the Principal Act.

See ss. 34 and 35 of the Act of 1843.

30. The thirtieth section of the Act of the session of the second year of King William the Fourth, chapter forty-five, and the seventy-fifth section of the Principal Act, shall apply to all occupiers of premises capable of conferring the franchise for a county under the representation of the People Act, 1867.

See this section with notes, p. 20, *ante*.

31. All expenses properly incurred by an overseer in pursuance of this Act shall be deemed to be expenses properly incurred by him in carrying into effect the provisions of the Principal Act, and any expense incurred by any relieving officer in attending a revising barrister in pursuance of this Act (the amount to be certified by the revising barrister) shall be deemed to be ex-

penses properly incurred by him in the execution of his duty as relieving officer, and shall be defrayed accordingly.

31 & 32 Vict.
c. 58.

See further as to expenses, s. 57 of the Act of 1843, and s. 30 of the Act of 1878. As to expenses of clerks of the peace and town clerks, see ss. 7 and 14 of the Act of 1885.

32. The certificate given to the overseers by the revising barrister under section fifty-seven of the Principal Act for the expenses incurred by them in carrying into effect the provisions of the Registration Acts shall be final and conclusive; provided nevertheless, that such certificate shall be signed by the revising barrister in open Court, and any ratepayer present shall have a right to inspect the account of expenses delivered in by the overseers, and to object to any item or items included therein, before such account is allowed by the revising barrister, who shall hear any such objection and make a decision respecting the same.

Certificate of revising barrister as to expenses to be conclusive.

33. Whenever a borough returning a member or members to serve in Parliament becomes a municipal borough the authority of the person who may for the time being be acting as returning officer shall cease, and the mayor shall take his place, subject nevertheless to the repayment to such first-mentioned returning officer of any expenses properly incurred by him in the execution of the duties of his office.

Returning officer where parliamentary borough becomes municipal.

[34. Issue of precepts, &c., in case of altered or disfranchised boroughs.]

35. Where the boundary of any county or borough is altered in pursuance of any Act passed during the present session of Parliament, any clerk of the peace, town clerk, returning officer, or other officer who would have jurisdiction in relation to the registration of voters, or in relation to the election of members to serve in Parliament, within such county or borough if it had remained unaltered, shall have jurisdiction over the area constituting such county or borough as altered by the said Act.

Provision as to officers in case of altered boundaries of counties and boroughs.

[36. Scotland.]

37. The clerk of the peace of every county, and the town clerk or other officer having charge of the register of every city or borough respectively, shall in each and every year within twenty-one days after the first day of February transmit to one of her Majesty's principal Secretaries of State a printed copy of the register of voters then in force for such county, city, or borough.

Copies of registers to be transmitted to Secretary of State.

36 & 37 Vict.
c. 70.

*Revising
Barristers.*

36 & 37 Vict. c. 70. Revising Barristers Act, 1873.

An Act to amend the Law relating to the appointment of Revising Barristers and the holding of Revision Courts. [5th August, 1873.]

“Whereas it is expedient to amend the law relating to the appointment of revising barristers and the holding of revision courts;” BE IT ENACTED, as follows :

Short title.

1. This Act may be cited as “The Revising Barristers Act, 1873.”

Repeal of Acts
in schedule.

2. The Acts specified in the schedule to this Act are hereby repealed from and after the passing of this Act to the extent specified in the third column of the schedule, without prejudice to anything done or suffered before the passing of this Act under the enactments hereby repealed.

Power to
Queen in
Council to
alter number
of revising
barristers.

3. Her Majesty by Order in Council may vary from time to time, either by way of increase or decrease, the number of revising barristers to be appointed for any counties, cities, boroughs, or places in pursuance of section twenty-eight of the Parliamentary Electors Registration Act, 1843, and the number fixed by such order shall be substituted for the number fixed by the said section, or by any previous Order in Council made under this or any other Act.

Evening
sittings of
revision court.

4. Every barrister appointed to revise the lists for a Parliamentary borough containing, according to the last census for the time being, more than ten thousand inhabitants, shall hold at least one evening sitting of his court in such borough.

An evening sitting shall commence not earlier than six nor later than seven o'clock in the evening, and shall be of such duration as, in the opinion of the revising barrister, shall be reasonable.

Special notice or notices of an evening sitting or of evening sittings to be held in a borough shall be published by the town clerk in such manner as the revising barrister may direct.

Adjournment
of court by
revising
barrister.

5. If a revising barrister is prevented by illness from holding a court at any place in a county or borough at the appointed time, he may, by notice in writing addressed to the clerk of the peace of such county, or town clerk of such borough, adjourn such court to some other day named in the notice, and the court shall be adjourned accordingly; and the clerk of the peace or town clerk on the receipt of such notice shall forthwith give public notice of such adjournment, in like manner as he gives notice of the time at which the revising barrister will hold his court.

A formal adjournment of the court of a revising barrister from day to day shall not be necessary, but the revision shall be deemed to be adjourned, and may be continued from day to day until concluded: Provided that no court shall be adjourned

under this section to any day later than the thirty-first day of October in any year.

36 & 37 Vict.
c. 70.

Interpretation.

6. In this Act—
The term “The Parliamentary Electors Registration Act, 1843,” means the Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter eighteen, intituled “An Act to amend the law for the registration of persons entitled to vote and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales”:

The term “Parliamentary borough” and “Borough” mean a city or borough as defined by the Parliamentary Electors Registration Act, 1843:

The other terms used in this Act have the same meaning as in the Parliamentary Electors Registration Act, 1843, and the enactments amending the same.

Extent of Act.

7. This Act shall not extend to Scotland or Ireland.

SCHEDULE.

26 & 27 Vict. c. 122	An Act to enable her Majesty in Council to make alterations in the circuits of the Judges.	Section four.
35 & 36 Vict. c. 84	An Act to amend the Law relating to the appointment of Revising Barristers.	Section three.

Order in Council under Revising Barristers Act, 1873.

July 9, 1885.

Whereas by the third section of the Revising Barristers Act, 1873, it was enacted that her Majesty, by Order in Council, might vary from time to time, either by way of increase or decrease, the number of revising barristers to be appointed for any counties, cities, boroughs, or places, in pursuance of s. 28 of the Parliamentary Electors Registration Act, 1843,* and that the number fixed by such Order should be substituted for the number fixed by the said section, or by any previous Order in Council made under the Revising Barristers Act, 1873, or any other Act:

* p. 87.

And whereas by Order in Council dated the 27th day of June, 1876, the number of revising barristers was prescribed as set forth in the schedule of the same Order: (a)

(a) By the schedule to the Order of 27th of June, 1876, the numbers were:—
For Middlesex, 3; in Northern Circuit, 8; in North-Eastern Circuit, 10; in Midland Circuit, 13; in South-

Order in
Council under
Revising Bar-
risters Act,
1873.

* p. 240.

And whereas by s. 29 of the Redistribution of Seats Act, 1885,* it is enacted that where the Lord Chief Justice or Judge appoints in the present year barristers for counties and boroughs, he shall appoint them to act for all the counties and boroughs for which he has power to appoint revising barristers; and each barrister, when acting for any county or borough, shall have the same duties, powers, and authorities, as if he had been appointed sole revising barrister for such county or borough (a).

It is therefore ordered by the Queen's Most Excellent Majesty, by and with the advice of her Most Honourable Privy Council, that the number of revising barristers to be appointed in manner aforesaid in the present year (b) shall be as set forth in the schedule to this Order.

The said Order of the 27th day of June, 1876, is hereby revoked (b).

C. L. PEEL.

SCHEDULE.

Number of revising barristers to be appointed— (c)

For the County of Middlesex, and for the City of London and City of Westminster and boroughs of the County of Middlesex. . 4

For the counties, cities, boroughs, and places—

Within the Northern Circuit	12
Within the North-Eastern Circuit	15
Within the Midland Circuit	18
Within the South-Eastern Circuit	21
Within the Oxford Circuit	17
Within the Western Circuit	18
Within the North Wales Division of the North and South Wales Circuit	8
Within the South Wales Division of the North and South Wales Circuit	7
Within the County of Surrey	3
	<hr/>
	123

Eastern Circuit, 15; in Oxford Circuit, 12; in Western Circuit, 14; in N. W. Division of North and South Wales Circuit, 6; in S. W. Division of North and South Wales Circuit, 6; in Surrey, 2—making 79 in all.

(a) By s. 29 of the Act of 1885, p. 240, which applies in the year 1885 only, power is also given to a judge in chambers, at any time after 5th September, on proof that any lists cannot by reason of insufficiency of numbers of revising barristers be revised by the

8th October, to appoint one or more duly qualified barristers to act in addition to the barrister originally appointed.

(b) The revocation of the Order of 1876, and the applicability of the present Order to the year 1885 only, will render it necessary to issue a further Order in 1886.

(c) As to appointment of substitute by reason of death, illness, or absence of any revising barrister, see s. 29 of the Act of 1843, p. 88.

37 & 38 Vict. c. 53. Revising Barristers Act, 1874.

37 & 38 Vict.
c. 53.

An Act to amend the Law relating to the Payment of
Revising Barristers. [30th July, 1874.]

BE IT ENACTED, as follows :—

1. Whereas doubts have arisen as to whether the provisions of the fifty-ninth section of the Parliamentary Electors Registration Act, 1843, with respect to the payment of barristers appointed to revise any list of voters in addition to the revising barristers originally appointed, apply to the payment of substitutes appointed in case of the death, illness, or absence of any revising barrister, or from any other cause, and it is expedient to remove such doubts, and to provide for the payment of such substitutes :

Payment of
substitutes for
revising
barristers.

Be it therefore enacted that—

Where by reason of the death, illness, or absence of any barrister appointed to revise the lists of voters for any county, city, or borough, or from any other cause, a barrister is after the passing of this Act appointed to act in the place of the barrister so originally appointed, there shall be paid to him out of the sum which under section fifty-nine of the Parliamentary Electors Registration Act, 1843,* would otherwise be payable to the barrister originally appointed, such sum for his remuneration and travelling expenses as to the Lord Chief Justice or judge who appointed him may seem reasonable.

* p. 104.

Every barrister so originally appointed, in forwarding to the Commissioners of her Majesty's Treasury his appointment, and the statement of having completed his sittings, shall state whether any barrister has or has not been appointed as above mentioned to act in his place.

2. Terms in this Act have the same meaning as in the Revising Barristers Act, 1873.

3. This Act shall not extend to Scotland or Ireland.

4. This Act may be cited as the Revising Barristers Act, 1874. The Act of the session of the thirty-fifth and thirty-six years of the reign of her present Majesty, chapter eighty-four, intituled "An Act to amend the law relating to the appointment of revising barristers," may be cited as the Revising Barristers Act, 1872.

Short titles.

This Act and the Revising Barristers Act, 1872, and the Revising Barristers Act, 1873, may be cited together as the Revising Barristers Acts, 1872 to 1874.

5. The Acts specified in the schedule to this Act are hereby repealed from and after the passing of this Act to the extent specified in the third column of that schedule, without prejudice to anything done or suffered before the passing of this Act under the enactments hereby repealed.

Repeal.

37 & 38 Vict.
c. 53.

Qualification
of revising
barrister.

6. No barrister shall be appointed after the passing of this Act to revise any list of voters for any county, city, or borough in England who is of less than seven years standing, unless he has been appointed in any year previous to the year one thousand eight hundred and seventy-three to be such revising barrister.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 18	An Act to amend the law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales.	Section twenty-nine from "Provided always that whenever" to the end of the section, and so much of the rest of the section as relates to the appointment of additional barristers in case of the insufficiency of the number of barristers originally appointed; and section fifty-nine from "Provided always that in the case of any barrister" to the end of the section.
35 & 36 Vict. c. 84	An Act to amend the law relating to the appointment of revising barristers.	The whole Act.

41 & 42 Vict. c. 26.

41 & 42 Vict.
c. 26.

PARLIAMENTARY AND MUNICIPAL REGISTRATION
ACT, 1878.

An Act to amend the Law relating to the Registration of
Voters in Parliamentary Boroughs and the Enrolment
of Burgesses in Municipal Boroughs, and relating to
certain rights of voting and proceedings before and
appeals from Revising Barristers. [22nd July, 1878.

Section.	PAGE
1-3. Short titles—Extent—Commencement	139
4. Definitions	140
5. Explanation of “House,” &c., “Dwelling-house,” and “Lodgings”	140
6. Additional, successive, and joint lodgings	141
7. Period of qualification	141
8. Forms	142
9. Publication of notices and lists in post offices, &c.	142
10. Notice of rates in arrear	142
11. Registrars to furnish returns of deaths to overseers	143
12. List of persons disqualified by parochial relief	144
13. Inspection of rate books	144
14. Entry of occupier in rate book	145
15. Preparation of parliamentary and municipal lists together	145
16. Freeman’s and other reserved rights	148
17. Case of several municipal boroughs in one parliamentary borough	148
21. Lists and registers may be arranged according to streets	149
22. Claim by lodger retaining same lodgings in successive years.	150
23. Declaration of lodger to be <i>prima facie</i> evidence	150
24. Declaration as to misdescription	151
25. Penalty for false declaration	151
26. Notice of objection to state grounds, &c.	152
27. Withdrawal, revival, and costs of objection	152
28. Duties and powers of revising barrister	153
29. Power to fine overseers	158
30. Expenses and receipts	159
31. Delivery and custody of revised lists	159
32. Commencement and duration of parliamentary register	160
36. Summoning of witnesses	160
37. Appeal where case refused	161
38. Costs of appeal	161
39. Power to make rules	162
40. Service of notices	162
42. Saving for existing registers and burgess rolls	162
43. Universities of Oxford and Cambridge	162

BE IT ENACTED, as follows :

1. This Act may be cited as the Parliamentary and Municipal Short title.
Registration Act, 1878.

The Acts referred to in this Act by short titles may be cited
for all purposes by those titles respectively.

2. This Act shall not extend to Scotland or Ireland.

Extent of Act.

3. This Act shall come into operation on the first day of
February one thousand eight hundred and seventy-nine, which
date is in this Act referred to as the commencement of this Act.

Commence-
ment of Act.

41 & 42 Vict
c. 26, s. 4.

Definitions.

4. In this Act—

The term “Reform Act, 1832,” means the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five, “to amend the representation of the people in England and Wales:”

The term “Municipal Corporation Acts” means the Municipal Corporation Act, 1835, and the Acts amending the same:

The term “Parliamentary Registration Act, 1843,” means the Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter eighteen, “to amend the law for the registration of persons entitled to vote, and to define certain rights of voting and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales:”

The term “Parliamentary Registration Acts” means the Parliamentary Registration Act, 1843, and any enactment amending the same or otherwise relating to the registration of parliamentary electors:

The term “Parliamentary borough” means any borough, city, county of a city, county of a town, place, or combination of places returning a member or members to serve in Parliament, and not being a county at large, or riding, part, or division of a county at large:

The term “Municipal borough” means any place for the time being subject to the Municipal Corporation Acts:

The term “Parliamentary voter” means a person entitled to be registered as a voter, and when registered to vote at the election of a member or members to serve in Parliament for a Parliamentary borough:

The term “burgess” has the same meaning as in the Municipal Corporation Acts:

The term “parish” means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

Other terms used in this Act have the same meaning as in the Parliamentary Registration Acts.

Explanation of
“House.”

5. In and for the purposes of the Reform Act, 1832, and the Municipal Corporation Acts, the terms “house, warehouse, counting-house, shop, or other building,” shall include any part of a house where that part is separately occupied for the purpose of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as “office,” “chambers,” “studio,” or by any like term applicable to the case.

“Dwelling-
house.”

In and for the purposes of the Representation of the People Act, 1867, the term “dwelling-house” shall include any part of a house where that part is separately occupied as a dwelling, and the term “lodgings” shall include any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house.

“Lodgings.”

For the purposes of any of the Acts referred to in this section, where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

41 & 42 Vict.
c. 26.

Separate occupation of part of house with joint use of other part.

The interpretation contained in this section of "dwelling-house" shall be in substitution for the interpretation thereof contained in section sixty-one of the Representation of the People Act, 1867,* but not so as to affect any of the other provisions of the said Act relating to rating.

* p. 45.

6.—(1.) Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year or in either of those years he has occupied some other rooms or place in addition to his original lodgings.

Additional lodgings.

(2.) For the purpose of qualifying a lodger to vote, the occupation in immediate succession of different lodgings of the requisite value in the same house shall have the same effect as continued occupation of the same lodgings.

Successive lodgings.

(3.) Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified and subject to the conditions of the Representation of the People Act, 1867, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons being such joint lodgers shall be entitled to be registered in respect of such lodgings.

Joint lodgings.

As to the qualification of a lodger under s. 3 of the Representation of the People Act, 1867, see that section and note, p. 35; and see also ss. 22 and 23 of this Act.

Joint Lodgings.] If more than one occupy, and more than two claim, it would seem that those two who by their alphabetical position upon a list first succeed in being registered, cannot have their title questioned by the others. See note upon a similar point in s. 4, subs. 2, of the Representation of the People Act, 1884, p. 61, *ante*.

7. In every parliamentary borough and in every municipal borough every period of qualification for parliamentary voters and burgesses respectively which is now computed by reference to the last day of July, shall, instead of being so computed, be computed by reference to the fifteenth day of July.

Period of qualification.

The term "period of qualification" in this section shall include any period of occupation, residence, possession, receipt of rents and profits, and non-receipt of parochial relief or other alms.

This section is extended to counties by s. 12 of the Act of 1885, p. 173.

As to the reference to the last day of July, see Reform Act, 1832, ss. 26, 27, 31, 32, and 33; Representation of the People Act, 1867, ss. 3, 4, 6, and 26.

41 & 42 Vict.
c. 26.

*Forms and
Notices.*

8. In every parliamentary borough and in every municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, the forms in the schedule to this Act, or forms to the like effect, varied as circumstances require, shall be used for the purposes for which the same are applicable respectively, and shall for the purposes of the Parliamentary Registration Acts and this Act be deemed to be substituted for any corresponding forms in the schedules to the Parliamentary Registration Acts.

The said schedule and the notes thereto shall be construed and have effect as if enacted in the body of this Act.

All precepts, instructions, proceedings, notices, and lists relating to the registration of parliamentary voters or enrolment of burgesses shall be expressed in such manner and form as may be necessary to carry the provisions of this Act into effect.

The forms prescribed by this section, which superseded the forms in Schedule B. of the Act of 1843, except as regards freemen, are again superseded by the forms prescribed by s. 18 of the Act of 1885. See that section and note, *post*.

Publication of
notices and
lists in post and
telegraph of-
fices, &c.

9. In every parliamentary borough and in every municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, any notice or list which is by the Parliamentary Registration Acts or this Act directed to be published by overseers shall be published by them not only in the manner directed by those Acts, but also by being affixed and kept in some public and conspicuous position in or near every post office and telegraph office occupied by or on behalf of her Majesty's Postmaster-General, and in or near every public or municipal or parochial office within the parish to which the list relates.

All the provisions of those Acts with respect to the publication of notices or lists shall apply to the publication to be made under this section.

By s. 1, subs. (1) of the Act of 1885, p. 85, this section applies to ownership voters as well as to occupation voters in counties, but its application is by subs. 3 (d) of the same section restricted to parishes within urban sanitary districts.

For directions as to publication of notices and lists, see s. 23 of the Act of 1843 and note, p. 85. By s. 26 of that Act, p. 86, no list is invalidated by imperfect publication.

Notice of rates
in arrear.

* p. 79.

† p. 126.

10. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, section eleven of the Parliamentary Registration Act, 1843,* and section twenty-eight of the Representation of the People Act, 1867† (which relate to the notices to be published and given with respect to rates and taxes in arrear), shall, as amended by this Act, extend with the necessary modifications to the rates of which the payment is required as a condition of enrolment on the burgess roll, and all the provisions of those sections as so amended shall apply to the over-

seers of parishes situate wholly or partly in a municipal borough accordingly.

41 & 42 Vict.
c. 26, s. 10.

Any notice required to be given under this section shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable.

In case no such person can be found, then the notice required to be given under this section or under section twenty-eight of the Representation of the People Act, 1867, shall be deemed to be duly given if affixed upon some conspicuous part of the premises.

Any overseer who with intent to keep an occupier off the list or register of voters for a parliamentary borough, or off the burgess lists or burgess roll of a municipal borough, shall wilfully withhold any notice required by this section to be given to such occupier, shall be deemed guilty of a breach of duty in the execution of this Act.

Section twenty-nine of the Representation of the People Act, 1867,* shall extend and be applicable to every parish situate wholly or partly within a municipal borough whose burgess lists are revised under this Act.

* p. 127.

For forms of public notice, see Form B. in Sched. 3 of the Act of 1885, p. 220, and for form of notice to party, see Form C. in the same schedule.

As to payment of rates as a condition of being qualified as an elector, see s. 27 of the Reform Act, 1832, and ss. 3 and 4 of the Representation of the People Act, 1867.

11. Every registrar of births and deaths whose sub-district includes the whole or part of any parliamentary borough or any municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, shall transmit by post or otherwise to the overseers of every parish the whole or any part of which is included in the parliamentary borough or municipal borough, and also in his sub-district, a return certified under his hand to be a true return of the names, ages, and residences of all male persons of full age dying within that parish or part, and also when and as required by those overseers of the names, ages, and residences of all women of full age dying within that parish or part.

Registrars to
furnish returns
of deaths to
overseers.

The returns shall state the names of all such persons in full (where the names are known) and the dates of their deaths, and the names and residences of the persons by whom information of the deaths was given to the registrar.

The returns shall be made four times a year; that is to say,

On or before the seventh day of April for the three months ending with the preceding thirty-first day of March;

On or before the twenty-second day of July for the period beginning with the preceding first day of April and ending with the fifteenth day of July;

On or before the fifteenth day of September, or at such

41 & 42 Vict.
c. 26, s. 11.

*Returns of
Deaths to
Overseers.*

other time before the completion of the revision of the lists of the parliamentary borough or municipal borough to the area of which the return relates as the barrister revising the same shall appoint in that behalf for the period beginning with the preceding sixteenth day of July, and ending with the time when such return is made, or as near thereto as practicable;

And on or before the seventh day of January for the period beginning with the preceding fifteenth day of September or from the time for which the last preceding return was made, and ending with the thirty-first day of December :

The registrar making any such return shall be entitled to fees at the rate specified in the twenty-eighth section of the Births and Deaths Registration Act, 1874, in respect of the returns therein mentioned, and such fees shall be paid by the overseers as part of the expenses of carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists.

The overseers shall omit from any list made by them the name of any person who appears from such returns to be dead, and shall allow any person who is registered as a parliamentary voter of the parliamentary borough or enrolled as a burgess of the municipal borough to which the returns relate to inspect any such returns in their custody at all reasonable times free of charge.

By s. 28, subs. 4, the revising barrister also is to expunge the names of any persons proved to him to be dead.

Fees of Registrar.] By s. 28 of the Births and Deaths Registration Act, 1874 (37 & 38 Vict. c. 88), the registrar is entitled to a fee of twopence, and to a further fee of twopence for every death entered.

As to the expenses of the Act, see s. 30 and note.

List of persons
disqualified by
parochial relief.

12. The overseers of every parish situate wholly or partly either in a parliamentary borough or in a municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, shall ascertain from the relieving officer acting for that parish the names of all persons who are disqualified for being inserted in the lists of parliamentary voters or burgess lists for that parish by reason of having received parochial relief, and the relieving officer, upon application from the overseers, shall produce to them at such place within the parish, and at such time as is required by them, the books in his possession containing the names of those persons.

See further s. 16 of the Act of 1885. As to disqualification for parochial relief, see s. 36 of the Reform Act, 1832, and note, p. 25.

Inspection of
rate books.

13. In every parish situate wholly or partly either in a parliamentary borough or in a municipal borough the whole or part of the area whereof is co-extensive with or included in the

area of a parliamentary borough, the books containing the poor rates made for the parish within the previous two years shall at all reasonable times be open, free of charge, to the inspection of any person who is registered as a parliamentary voter for the parliamentary borough, or enrolled as a burgess of the municipal borough, and any such voter or burgess may make any copy thereof or take any extract therefrom.

41 & 42 Vict.
c. 26.

See also s. 16 of the Act of 1843, p. 82, and as to production of rate-books to revising barrister, see s. 28 of the Act of 1868, p. 132.

14. Whereas by section nineteen of the Poor Rate Assessment and Collection Act, 1869,* the overseers in making out the poor rate are required in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, to enter into the occupier's column of the rate book the name of the occupier of every rateable hereditament, and it is thereby declared that every such occupier shall be deemed to be duly rated for any qualification or franchise as therein mentioned; and whereas doubts have been entertained as to the application of this enactment, and it is expedient to remove them: Be it therefore enacted, that the recited enactment shall not be deemed to apply exclusively to cases where an agreement has been made under section three of the same Act, or where an order has been made under section four of the same Act, but shall be of general application.

Explanation of
32 & 33 Vict.
c. 41, s. 19, as
to entering oc-
cupier's name
in rate book.

* p. 49.

This section was passed in affirmance of *Smith v. Seghill Overseers*, L. R. 10 Q. B. 422, in which the Court had differed from *Cross v. Allsop*, L. R. 6 C. P. 315.

15. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the lists of parliamentary voters and the burgess lists shall so far as practicable be made out and revised together.

Preparation
and revision of
lists of parlia-
mentary voters
and burgess
lists together.

In every such case the overseers of every parish situate wholly or partly either in the parliamentary borough or in the municipal borough shall, on or before the last day of July in every year, make out a list of all persons entitled under any right conferred by the Reform Act, 1832,* or by section three† of the Representation of the People Act, 1867, to be registered as voters for the parliamentary borough in respect of the occupation of property situate wholly or partly within that parish, or entitled to be enrolled as burgesses of the municipal borough in respect of the occupation of any property so situate.

* p. 13.

† p. 35.

With respect to every list so made out the following provisions shall have effect:

- (1.) The lists shall be in substitution for the lists of persons so entitled, which are required to be made out under the Parliamentary Registration Acts and the Municipal Corporation Acts:

41 & 42 Vict.
c. 26, s. 15.

*Revision of
Parliamentary
and Municipal
Lists together.*

List in three
divisions.

Contents of
lists.

Signature
of lists.

Of what voters
list to be.

Of polling
districts.

(2.) Where the parish is situate wholly or partly both in the parliamentary borough and in the municipal borough, the list for the parish shall be made out in three divisions :

Division One shall comprise the names of the persons entitled both to be registered as parliamentary voters under a right conferred as aforesaid and to be enrolled as burgesses :

Division Two shall comprise the names of the persons entitled to be registered as parliamentary voters under a right conferred as aforesaid, but not to be enrolled as burgesses ;

Division Three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters under a right conferred as aforesaid :

(3.) Each list shall state the surname and other name or names of every person whose name is inserted therein, his place of abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled :

(4.) Each list shall be signed and otherwise dealt with in manner directed by the Parliamentary Registration Acts with respect to the alphabetical lists mentioned in section thirteen of the Parliamentary Registration Act, 1843 :

(5.) Where no part of the parish is situate within the municipal borough, the list for the parish shall be deemed to be a list of voters for the parliamentary borough :

(6.) Where no part of the parish is situate within the parliamentary borough, the list for the parish shall be deemed to be a burgess list for the municipal borough :

(7.) Where the list is made out in divisions, Divisions One and Two shall be deemed to be lists of voters for the parliamentary borough, and Divisions One and Three shall be deemed to be burgess lists for the municipal borough :

(8.) The lists, and if the lists are made out in divisions, each division thereof, shall, if and so far as the local authority from time to time direct, according to convenience for use, be framed in parts for polling districts or wards ; and where the polling districts and wards are not conterminous, in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.

This section, in providing for the concurrent revision of the parliamentary lists and the burgess rolls in cases "where the whole or part" of a municipal borough is co-extensive with or included in a parliamentary borough, constitutes the principal innovation of the Act. Prior to the Act, as still in

cases to which it does not apply, the burgess rolls were revised by the mayor and two assessors: see Municipal Corporations Act, 1882, s. 7, subs. 4, s. 44, subs. 2, and Sched. 3.

41 & 42 Vict.
c. 26, s. 15.

As to areas, it may be stated shortly, that with the exception of the Metropolis, which contains no municipal boroughs, parliamentary boroughs in almost every case include municipal boroughs, but are not usually co-extensive with such boroughs.

(2.) *Three Divisions.*] For forms, see p. 222.

Where an objection was taken on Division One only, and the revising barrister allowed it, the Court held that he was not bound under s. 28, subs. 15, *post*, to place it on Division Three without proof of a municipal qualification: *Greenway v. Buchelor*, 12 Q. B. D. 876; 53 L. J. Q. B. 179.

Division Three.] The main distinctions between the parliamentary qualifications and the municipal qualification under s. 9 of the Municipal Corporations Act, 1882, are that lodgers have not the municipal qualification, and women have. Otherwise the qualifications and disqualifications are very much alike, though differing in small details.

Municipal qualification.] S. 9 of the Municipal Corporations Act, 1882, confers the municipal qualification in the following terms:—

- “(1.) A person shall not be deemed a burgess for any purpose of this Act unless he is enrolled as a burgess.
- (2.) A person shall not be entitled to be enrolled as a burgess unless he is qualified as follows:—
 - (a) Is of full age; and
 - (b) Is on the 15th of July in any year, and has been during the whole of the then last preceding twelve months, in occupation (joint or several), of any house, warehouse, counting-house, shop, or other building (in this Act referred to as qualifying property) in the borough; and
 - (c) Has during the whole of those twelve months resided in the borough, or within seven miles thereof; and
 - (d) Has been rated in respect of the qualifying property to all poor rates made during those twelve months for the parish wherein the property is situate; and
 - (e) Has, on or before the 20th of the same July, paid all such rates, including borough rates (if any), as have become payable by him in respect of the qualifying property up to the then last preceding 5th of January.
- (3.) Every person so qualified shall be entitled to be enrolled as a burgess unless he
 - (a) Is an alien; or
 - (b) Has within the twelve months aforesaid received union or parochial relief or other alms; or
 - (c) Is disentitled under any Act of Parliament.”

By s. 63 of the same Act: “For all purposes connected with and having reference to the right to vote at municipal elections, words in this Act importing the masculine gender include women.”

By s. 33 of the same Act: “The qualifying property need not be throughout the twelve months constituting the qualification the same property or in the same parish,” and “A person shall not be disentitled to be enrolled as a burgess by reason only (a) That he has received medical or surgical assistance from the trustees of the municipal charities, or has been removed by order of a justice to a hospital or place for reception of the sick, at the cost of any local authority; or (b) that his child has been admitted to and taught in any public or elementary school.”

S. 31 of the same Act contains similar provisions to those of s. 5 of this Act, as to “part” of a house, &c.; s. 32 provides for claims by occupier to be rated; and s. 33 provides that the occupancy and rating of a predecessor in case of successive occupation shall be equivalent to the occupancy and rating of the successor.

41 & 42 Vict.
c. 26, s. 15.

*Revision of
Parliamentary
and Municipal
Lists together.*

Freemen's and
other rights.

Provision
where several
municipal
boroughs in-
cluded in one
parliamentary
borough.

By 48 Vict. c. 9, it is enacted, in similar terms to those of 41 Vict. c. 3, p. 55, *ante*, that the letting a house furnished for not more than four months shall not disqualify.

(4.) *Each list shall be signed, &c.*] See s. 13 of the Act of 1843, and s. 30 of the Representation of the People Act, 1867, which latter section, however, is repealed by the Act of 1885, *post*, except as to lodgers.

(8.) *The local authority.*] See s. 21.

16. In the case of any parliamentary borough in which any persons are entitled to be registered as freemen, or under any right other than a right conferred by the Reform Act, 1832, or the third section of the Representation of the People Act, 1867, the registration of such persons shall be carried out in the manner directed by the Parliamentary Registration Acts, as modified by this Act.

The rights referred to are reserved by s. 33 of the Reform Act, 1832, p. 23.

As to registration of freemen in divided borough, see s. 14 of the Redistribution of Seats Act, 1885, p. 237.

17. In the case of a parliamentary borough which includes in whole or in part more municipal boroughs than one, each such municipal borough shall, for the purposes of this Act, be dealt with separately and as if each were the only municipal borough included in whole or in part in such parliamentary borough, and if any parish is partly in one and partly in another or others of such municipal boroughs, so much thereof as is in any one of such municipal boroughs shall, for the purposes of this Act, be dealt with as a separate parish.

The town clerk of each such municipal borough shall, so far as regards the area of such municipal borough, issue the precepts and perform the other duties to be performed by the town clerk under and shall be the town clerk for the purposes of the Parliamentary Registration Acts and this Act.

For form of precept by town clerk to overseers, and other forms for boroughs, see Sched. 3 of the Act of 1885, p. 208.

As to divided parishes, see further s. 9 of the Act of 1885, p. 172, and as to divided boroughs, see s. 8 of the Redistribution of Seats Act, 1885, p. 236.

[Municipal.]

18. The Municipal Corporation Acts shall not, as to anything prior to the completion of the revision of the burgess lists, apply to any burgess list made out under this Act, and instead thereof the Parliamentary Registration Acts, as modified by this Act, shall, up to the completion of the revision of the burgess lists, apply to every such burgess list, as if it were a list of parliamentary voters made out under those Acts, and as if the municipal borough to which such burgess lists relate were a parliamentary borough: Provided as follows:

(1.) Nothing in this Act shall authorize a person entered on a burgess list, not being also entered on a list of parliamentary voters, to make any objection in respect of a list of parliamentary voters, or authorize any per-

son entered on a list of parliamentary voters, not being also entered on a burgess list, to make any objection in respect of a burgess list ;

41 & 42 Vict.
c. 26.

(2.) The last day for revising a burgess list made out under this Act shall be the twelfth day of October ; and

(3.) The burgess lists when revised shall be copied for the burgess roll in manner directed by the Municipal Corporation Acts.

19. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the separate lists of the persons entitled to be elected councillors or aldermen of the municipal borough, though not entitled to be on the burgess roll, shall be made out at the same time and in the same manner as the burgess lists, and all the provisions of this Act with respect to the burgess lists shall apply to those separate lists. [Municipal.]

20. After the commencement of this Act assessors shall not be elected in any municipal borough which as regards the whole or part of its area is co-extensive with or included in the area of a parliamentary borough, and any assessors elected in any such municipal borough before the commencement of this Act shall cease to hold office upon the commencement of this Act. [Municipal.]

21. If and so far as the local authority so direct, the lists of parliamentary voters and registers of parliamentary voters in parliamentary boroughs, and the burgess lists and burgess rolls in municipal boroughs, and the lists of claimants and persons objected to in parliamentary boroughs and municipal boroughs respectively, or any of those documents, shall, so far as they relate to persons qualified in respect of the ownership or occupation of property (including persons qualified in respect of lodgings), be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists, registers, and rolls to record the qualifying premises in successive order in the street or other place in which they are situate, subject in the case of a municipal borough divided into wards to the division of the burgess roll into ward lists. The local authority in this Act means as regards a parliamentary borough the authority having power to divide the parliamentary borough into polling districts, and as regards a municipal borough the council of the municipal borough. Lists and registers may be arranged according to streets.

By s. 1, subs. 3 (d), of the Act of 1885, p. 166, this section does not apply to counties. For power to divide borough into polling districts, see s. 34 of the Representation of the People Act, 1867, p. 129, *ante*, by the last paragraph but one of which, as amended by s. 18 of the Act of 1868, p. 130, the local authority having such power means in municipal boroughs and in boroughs any part of which forms a municipal borough, the town council of such borough, and in other boroughs the justices of the peace of the petty sessional division in which such borough is situate.

41 & 42 Vict.
c. 26, s. 22.

Lodgers.

Claim by lodger
retaining same
lodgings in suc-
cessive years.

* p. 80.

22. Where a person is entered in respect of lodgings on the register of voters for the time being in force, and desires to be entered on the next register in respect of the same lodgings, he may claim to be so entered by sending notice of his claim to the overseers of the parish in which his lodgings are situate on or before the twenty-fifth day of July.

The overseers shall on or before the last day of July make out a list of all persons so claiming, and if they have reasonable cause to believe that any person whose name is entered on the list is not entitled to be registered or is dead, shall add in the margin of the list opposite his name the words "objected to" or "dead," as the case may be.

The lists so made out shall be signed, published, and otherwise dealt with in the same manner as the alphabetical lists mentioned in section thirteen * of the Parliamentary Registration Act, 1843, and shall for the purposes of the Parliamentary Registration Acts be deemed to be lists of voters, and the provisions of the Parliamentary Registration Acts as to objections shall apply to such lists, and the persons against whose names the overseers have so written the words "objected to" or "dead," shall be deemed to be duly objected to.

See further as to lodgers, s. 4 of the Representation of the People, 1867, p. 37, and ss. 5 and 6 of this Act.

The present section by providing a mode by which lodgers already registered may make a claim earlier, in respect of the same lodgings, than lodgers not already registered, places such already registered lodgers upon a firmer footing as regards their qualification than new claimants; but it is material to point out that old lodgers as well as new must *claim* in order to sustain their qualification. The claim under this section is quite optional, and the "old lodger" may claim as a new lodger if he pleases. See the Form H., No. 2, in Schedules 2 (Counties) and 3 (Boroughs) of the Act of 1885; and for the "Old Lodgers' List," see Form D., No. 3, in Schedule 3 of the Act of 1885.

By making the claim earlier, *i.e.* on or before the 25th July, instead of on or before the 20th August, the claimant becomes entitled to be placed on the "Old Lodgers' List," and the advantage of being on this list appears to be that he can only be objected to by some person already on a list of voters upon notice of objection given under s. 17 of the Act of 1843, p. 82; whereas if he be technically a new claimant only (though he may have claimed and claimed successfully in previous successive years) he may be objected to before the revising barrister under s. 39 of the same Act, p. 92, without any previous notice to him, the claimant, and merely upon notice in writing to the revising barrister.

Declaration of
lodger to be
prima facie
evidence.

23. In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall, for the purposes of revision, be *prima facie* evidence of his qualification.

For form of declaration, see H., No. 2, in Schedules 2 and 3 of the Act of 1885. This section applies to lodgers claiming for the first time, as well as to lodgers claiming under s. 22, by virtue of having retained the same lodgings in successive years. So it was held by the Court of Appeal in *Nuth or North v. Tamplin*, 8 Q. B. D. 247; 51 L. J. Q. B. 177; 30 W. R. 346; Colt. 249, affirming decision of Denman and Bowen, JJ., *ib.*, and 45 L. T. 652, and disapproving of dicta of Lord Coleridge, C.J., and Denman, J., to the contrary in *Pickard v. Baylis*, 5 C. P. D. 285; 49 L. J. C. P. 182; 41 L. T. 509; 28 W. R. 256; 1 Colt. 98.

24. Any person who is entered on any list of voters for a parliamentary borough or any burgess list, subject to revision under this Act, for a municipal borough, and whose name or place of abode or the nature of whose qualification or the name or situation of whose qualifying property is not correctly stated in such list, or in respect of whom there is any other error or omission in the said list, may, whether he has received a notice of objection or not, if he thinks fit, make and subscribe a declaration in the form in that behalf in the schedule to this Act, or as near thereto as the circumstances will admit, before any justice of the peace or any commissioner or other person authorized to administer oaths in the Supreme Court of Judicature.

41 & 42 Vict.
c. 26.

Declaration as
to misdescrip-
tion.

The declaration shall be duly dated and shall on or before the twelfth* day of September be sent to the town clerk, who forthwith shall indorse on the declaration a memorandum signed or initialed by him, stating the date when he received it, and naming the declarant, and the list to which the declaration refers, and shall deliver all such declarations to the revising barrister at his first court.

* 5th, in 1885.

If the declaration is sent as aforesaid in due time (of which the said indorsement shall be *prima facie* proof), the revising barrister shall receive the declaration as evidence of the facts declared to, and that without proof of the signature of the declarant, or of the justice, commissioner, or person before whom the declaration purports to have been subscribed, unless he has good reason to doubt the genuineness of any signature thereto.

The declaration shall be open free of charge to public inspection at the office of the said town clerk, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, before the fifteenth day of September, and he shall deliver copies thereof on application and payment of the price of fourpence per folio of seventy-two words.

Compare s. 10 of the Act of 1865, p. 123, which authorizes a similar declaration in the case of county voters, and see s. 75 of the Act of 1843, p. 109, as to "misnomer," and s. 28 of this Act, *infra*, as to correction of mistakes.

By s. 30 (a) of the Seats Act, 1885, p. 241, "fifth" day of September is substituted for twelfth.

Form M. in the schedule to this Act, which contained the declaration for correcting misdescription, is now superseded, under s. 18 of the Act of 1885, p. 176, by Form M. in Schedule 3 (Boroughs) of that Act.

25. If any person falsely or fraudulently signs any such declaration as last aforesaid, or any declaration either as claimant or witness in respect of a claim to vote as a lodger in the name of any other person, whether that person is living or dead, or in a fictitious name, or sends as genuine any false or falsified declaration knowing the same to be false or falsified, or knowingly and wilfully makes any false statement of fact in any declaration of the nature aforesaid, he shall be guilty of a misdemeanor and punishable by fine or by imprisonment for a term not exceeding one year, and the revising barrister shall have power to impound the declaration.

Penalty for
false declara-
tion.

41 & 42 Vict.
c. 26, s. 26.

Notice of objection to state grounds, &c.

* p. 82.

† p. 123.

26. The notice required by the seventeenth and twentieth sections of the Parliamentary Registration Act, 1843,* to be given to persons objected to in boroughs for the purposes of the revision of the lists of voters for a parliamentary borough and the burgess lists for a municipal borough whose burgess lists are revised under this Act, shall state specifically the ground or grounds of objection, and sections seven and eight of the County Voters Registration Act, 1865,† shall extend to such objections.

The seventeenth section of the Act of 1843 provides for objection by any person named in a list, upon notice to the overseers, or if the party be a freeman to the town clerk, and to the person objected to, and s. 20 makes a similar provision as to the City of London lists. It is only the notice to the party, and not the notice to the overseers, which need state the grounds. For forms of notice, see Forms I. in Schedule 2 (Counties) and 3 (Boroughs) of the Act of 1885, pp. 201, 257.

Revision of lists of voters.

27. For the purposes of the revision of the lists of voters for a parliamentary borough, and the burgess lists for a municipal borough whose burgess lists are revised under this Act—

Objections may be withdrawn.

* p. 234.

(1.) An objection may be withdrawn by a notice to that effect in writing,* signed by the objector, and given to the person objected to and to the town clerk not less than seven days before the day which shall be appointed for the holding of the first court of revision of the list to which the objection relates:

Reviver of objections on death of objector.

* p. 235.

(2.) Any objection by a qualified objector may, after his death, be revived by any other person qualified to have made the objection originally by a notice to that effect in writing signed by him,* and given to the person objected to and to the town clerk at or before the time of the revision of the entry to which the objection relates:

A person reviving an objection shall be deemed to have made the objection originally, and he shall be responsible in respect thereof, and the proceedings thereon shall be continued accordingly:

Costs of objections.

(3.) Where objection is made otherwise than by an overseer to any person whose name appears on a list of voters or burgesses and the name is retained on the list, the revising barrister shall, unless he is of opinion that the objection was reasonably made either because of a defect or error in the entry to which the objection relates, or because of a difficulty in verifying or identifying the particulars comprised in such entry, or unless the objection is duly withdrawn, or unless for some other special reason he otherwise determines, order costs not exceeding forty shillings to be paid by the objector to the person objected to.

By s. 1, subs. 3 (f), of the Act of 1885, the notices of objection and with-

drawal must in counties be given to the overseers, and not to the clerk of the peace.

41 & 42 Vict.
c. 26.

Prior to this Act objections were not allowed to be withdrawn, on the ground that they must be deemed to have been given in the exercise of a public duty: *Proulfoot v. Barnes*, L. R. 2 C. P. 88; 80 L. J. C. P. 68; 15 L. T. 439; 15 W. R. 223.

28. A revising barrister shall, with respect to the lists of voters for a parliamentary borough and the burgess lists for a municipal borough which he is appointed to revise, perform the duties and have the powers following:

Duties and powers of revising barrister.

(1.) He shall correct any mistake which is proved to him to have been made in any list:

Mistakes.

(2.) He may correct any mistake which is proved to him to have been made in any claim or notice of objection:

(3.) He shall expunge the name of every person, whether objected to or not, whose qualification as stated in any list is insufficient in law to entitle such person to be included therein:

Insufficient qualifications.

(4.) He shall expunge the name of every person who, whether objected to or not, is proved to the revising barrister to be dead:

Deaths.

(5.) Where an entry in any list and an entry in a return made to the overseers of deaths appear to relate to the same person, the revising barrister shall inquire whether such entries relate to the same person, and on proof being made to him that the entries relate to the same person shall expunge the entry in the list therefrom:

(6.) The revising barrister shall expunge the name of every person, whether objected to or not, whose name or place of abode, or the nature of whose qualification, or the name or situation of whose qualifying property if the qualification is in respect of property, or any other particulars respecting whom by law required to be stated in the list, is or are either wholly omitted or in the judgment of the revising barrister insufficiently described for the purpose of being identified, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of the revising barrister before he shall have completed the revision of the list in which the omission or insufficient description occurs, and in case such matter or matters shall be so supplied, he shall then and there insert the same in such list:

Omissions and insufficient descriptions.

(7.) He shall expunge the name of every person, whether objected to or not, where it is proved to the revising barrister that such person was, on the last day of July then next preceding, incapacitated by any law or statute from voting at an election for the parliamentary borough or an election for the municipal borough, as the case may be, to which the list relates:

Legal incapacity.

(8.) Before expunging from a list the name of any person not

Notice before expunging.

41 & 42 Vict.
c. 26, s. 28.

*Duties and
Powers of
Revising
Barrister.*

Retaining
names.

Proof by
objector.

objected to, the revising barrister shall cause such notice (if any) as shall appear to him necessary or proper under the circumstances of the proposal to expunge the name, to be given to or left at the usual or last known place of abode of such person :

(9.) Subject as herein and otherwise by law provided, the revising barrister shall retain the name of every person not objected to, and also of every person objected to, unless the objector appears by himself or by some person on his behalf in support of his objection :

(10.) If the objector so appears the revising barrister shall require him, unless he is an overseer, to prove that he gave the notice or notices of objection required by law to be given by him, and to give *prima facie* proof of the ground of objection, and for that purpose may himself examine and allow the objector to examine the overseers or any other person on oath touching the alleged ground of objection, and unless such proof is given to his satisfaction shall, subject as herein and otherwise by law provided, retain the name of the person objected to :

An objection made under this Act by overseers shall be deemed to cast upon the person objected to the burden of proving his right to be on the list :

The *prima facie* proof shall be deemed to be given by the objector if it is shown to the satisfaction of the revising barrister by evidence, repute, or otherwise that there is reasonable ground for believing that the objection is well founded, and that by reason of the person objected to not being present for examination, or for some other reason, the objector is prevented from discovering or proving the truth respecting the entry objected to :

Expunging
upon objection.

(11.) If such proof is given by the objector as herein prescribed, or if the objection is by overseers, then unless the person objected to appears by himself or by some person on his behalf, and proves that he was entitled on the last day of July then next preceding to have his name inserted in the list in respect of the qualification described in such list, the revising barrister shall expunge the name of the person objected to :

Substitution of
qualification.

(12.) Where the matter stated in a list or claim, or proved to the revising barrister in relation to any alleged right to be on any list is in the judgment of the revising barrister insufficient in law to constitute a qualification of the nature or description stated or claimed, but sufficient in law to constitute a qualification of some other nature or description, the revising barrister, if the name is entered in a list for which such true qualification in law is appropriate, shall

correct such entry by inserting such qualification accordingly, and in any other case shall insert the name with such qualification in the appropriate list, and shall expunge it from the other list (if any) in which it is entered :

41 & 42 Vict.
c. 26, s. 28.

- (13.) Except as herein provided, and whether any person is objected to or not, no evidence shall be given of any other qualification than that which is described in the list or claim, as the case may be, nor shall the revising barrister be at liberty to change the description of the qualification as it appears in the list except for the purpose of more clearly and accurately defining the same :

- (14.) Where the name of any person appears to be entered more than once as a parliamentary voter on the lists of voters for the same parliamentary borough, or more than once as a burgess on the burgess lists for the same municipal borough, the revising barrister shall inquire whether such entries relate to the same person, and on proof being made to him that such entries relate to the same person shall retain one of the entries for voting, and place against the other or others a note to the effect that the person is not entitled to vote in respect of the qualification therein contained for the parliamentary borough or for the municipal borough, as the case may be, he being on the list for voting in respect of another qualification :

More than one
entry in
boroughs.

[See s. 4, subs.
9, of Act of
1885, p. 168,
and s. 5 of Act
of 1885, p. 169.]

Any such person may, by notice in writing* delivered to the revising barrister at the opening of his first revision court, select the entry to be retained for voting, and in making such selection may select one entry to be retained for voting for the parliamentary borough, and another entry to be retained for voting as a burgess for the municipal borough, but if he does not make any selection the entry to be so retained shall be selected by the revising barrister, except in the case of freemen, in which case the entry to be retained by the revising barrister for voting shall be that on the freemen's list.

Selection of
entry.

* p. 235.

If any question on appeal, or otherwise, arise as to the validity of the qualification for which the parliamentary voter or burgess is on the list for voting, recourse may be had for supporting the right of the voter or burgess to be on the parliamentary register or burgess roll for voting to any other qualification of such person appearing on the register or burgess roll :

Provided always, that in the case of a municipal borough divided into wards a vote given in or the right to vote in one ward shall not be supported by a

41 & 42 Vict.
c. 26, s. 28.

*Duties and
Powers of
g
Barrister.*

qualification appearing on the burgess roll for some other ward :

- (15.) Where a list is made out in divisions the revising barrister shall place the name of any person in the division in which it should appear according to the result of the revision, regard being had to the title of the person to be on the list both as a parliamentary voter and as a burgess, or only in one of those capacities, and shall expunge the name from the other division (if any) in which it appears.

This section shall, as regards every parliamentary borough and every municipal borough whose burgess lists are revised under this Act, take effect instead of section forty of the Parliamentary Registration Act, 1843.*

* p. 93.

This extremely important section, which must be read with ss. 4 and 5 of the Act of 1885, p. 167, applied under this Act to boroughs only, the procedure under s. 40 of the Act of 1843 having been until 1885 retained for counties. By s. 17 of the Act of 1885, p. 176, however, s. 40 of the Act of 1843 is wholly repealed, and by s. 1 of that Act, p. 165, this section is made to apply to counties as well as to boroughs, subs. 2 of s. 1 of the Act of 1885 applying it to ownership voters as well as to occupation voters in counties.

Upon the repealed s. 40 of the Act of 1843, which is printed at p. 93 for the purpose only of comparison, if desired, with the present section, many cases were from time to time decided, and such of them as are still of application to corresponding words of the present section (which in many parts repeats, though it largely amends s. 40 of the Act of 1843) are given in the notes to the present section, or in the notes to the forms in the Schedules of the Act of 1885.

The following are the principal distinctions between the present section and s. 40 of the Act of 1843, the main distinction in principle being that the present section increases the facilities of claimants and decreases the facilities of objectors:—

The discretionary power to correct mistakes in claims or notices of objection (subs. 2); the requirement of notice before expunging a name not objected to (subs. 8); the general obligation to retain names (subs. 9); the casting of the burden of proof upon an objector (subs. 10); and the power to insert a qualification of another nature than that put forward in a list or claim (subs. 12); all these are entirely new. On the other hand, the obligation to correct a mistake in a list (subs. 1), and to expunge names of persons insufficiently qualified or dead (subs. 3, 4, and 6), is imposed in terms substantially identical with those of s. 40, except that subs. 5 is new.

(1.) *He shall correct . . . in any list.*] These words are clearly mandatory. The mistake intended to be corrected was said, in *Wood v. Willesden Overseers*, 2 C. B. 15, to be only of such a nature as would not mislead, and the obligation to correct appears to be confined to mistakes by the overseers. See per Brett, J., in *Bendle v. Watron*, L. R. 7 C. P., at p. 170. In *Ballard v. Robins*, 3 C. P. D. 92; 47 L. J. C. P. 50, the name of a voter appeared under the heading, "Voters in respect of property, including occupiers of £50 and upwards." His true qualification was as a £12 occupier, but his name had been omitted from the list of such occupiers. It was held that this was a mistake in a list which the barrister was bound to correct. It has also been held that the obligation applied in a case where lists were improperly divided to correspond with a popular but incorrect division of a parish: *Elliott v. St. Mary's Carlisle Overseers*, 4 C. B. 76; and in a case where eighteen occupation voters were placed on a list headed by mistake of the printer as a list of persons entitled to vote in respect of property: *Mather v. Allantale (Overseers of)*, L. R. 6 C. P. 272; 40 L. J. C. P. 76; 23 L. T. 539; 19 W. R. 284.

The list of lodgers' claims is not a list within subs. 1 : *Pickard v. Baylis*, 5 C. P. D. 235, and *infra*.

41 & 42 Vict.
c. 26, s. 28.

(2.) *He may correct . . . in any claim or notice of objection.*] These words are clearly permissive, and leave a wide discretion to the revising barrister. Where a lodger's claim (see Form H, No. 2, p. 226) omitted to state the amount of his rent and the address of his landlord, and these particulars were supplied at the revision, but the revising barrister declined to insert them, the Court approved of and affirmed his decision: *Pickard v. Baylis*, 5 C. P. D. 235; 49 L. J. C. P. 182; 28 W. R. 256; 1 Colt. 98. But this case, though a strong authority to guide the exercise of the discretion, is no express authority binding a similar exercise of it in every case. An omission to state the place of residence of an objector describing himself only as on the list of parliamentary voters, and being in fact well known, was held curable in *Adams v. Bostock*, 8 Q. B. D. 259; 51 L. J. Q. B. 175; 45 L. T. 443; 30 W. R. 460; 1 Colt. 275; and so was an omission of the word "parliamentary" before "voters" in *James v. Howarth*, 5 C. P. D. 225; 49 L. J. C. P. 169.

(3.) *He shall expunge . . . insufficient in law.*] This seems to apply to cases where the qualification is bad on the face of it, e.g. a qualification under s. 27 of the Act of 1832, p. 17, in respect of a counting-house of the annual value of £9 only.

(4.) *He shall expunge . . . dead.*] As to obligation on overseers to omit these names, see subs. 5.

(6.) *Omission or insufficient description.*] There must be a case of wholly omitting for this subsection to apply to omissions. See note to subs. 2. As to misdescriptions, it applies to cases where the number of a house has been altered: *Bendle v. Watson*, L. R. 7 C. P. 163; 41 L. J. C. P. 15; or where fifteen plots of land on a building estate are stated by their names, and the voter has parted with all but one: *Smith v. Woolston*, 4 C. P. D. 84; 48 L. S. C. P. 184.

(7.) *He shall expunge . . . incapacitated.*] The incapacity here referred to is the incapacity of those who from some inherent or for the time irremovable quality in themselves (e.g. peers, women, or constables), are, whether by common law or statute disqualified, and not the incapacity of those who from failure in the incidents or elements of the franchise could be successfully objected to on the register. It therefore has been held not to include the incapacity arising from parochial relief: *Hayward v. Scott*, 5 C. P. D. 231; 49 L. J. C. P. 167; 28 L. J. C. P. 167; 28 W. R. 988; 1 Colt. 76; following with approval *Stowe v. Jolliffe*, L. R. 9 U. P. 734.

(8.) *Before expunging . . . notice.*] This subsection, though imperative in form, practically leaves the giving of the notice and the character of the notice to the discretion of the revising barrister.

(12.) *Substitution of qualification.*] This subsection merely authorizes the revising barrister to substitute a more proper description in law of the qualification stated, as by adding "dwelling" to "house" in a case where the party had a house below the value of £10, and therefore a qualification under s. 3 of the Act of 1867, and not under s. 27 of the Act of 1832: *Friend v. Towers*, 10 Q. B. D. 87; 52 L. J. Q. B. 609; 48 L. T. 973; 31 W. R. 247; 1 Colt. 310; but does not authorize the insertion of an entirely different description of qualification, as the substitution of "Nos. 8 and 9, Birley Place," for "8, Birley Place," and of "houses in succession" for "house:" *Porrett v. Lord*, 5 C. P. D. 66; 49 L. J. C. P. 176; 42 L. T. 28; 28 W. R. 398; 1 Colt. 46.

In *Bartlett v. Gibbs*, 5 M. & G. 81, it was held that "House in East Street" could not be altered to "No. 10, East Street, and No. 16, West Street" under the repealed s. 40 of the Act of 1843, p. 93; but in *Ford v. Hoar*, 14 Q. B. D. 507, it was held by Cave and Stephen, JJ. (Lord Coleridge, C.J., diss.), that *Bartlett v. Gibbs* did not apply to this subsection. In *Ford v.*

41 & 42 Vict.
c. 26, s. 28.

*Duties and
Powers of
Revising
Barrister.*

Hoar, the nature of the qualification was described as "dwelling-houses in succession," and the qualifying property as "44, Oxford Street, and 34, Prospect Place, Cowick Street." The voter had occupied three houses, but the overseers by mistake omitted to specify the third house, viz., 31, Prospect Place. It was held by Cave and Stephen, JJ., that the revising barrister had power to correct the mistake, but that he should not have done so (as he did) by striking out "44" and "34," but by inserting "31, Prospect Place."

Similarly, in *Lynch v. Wheatley*, 14 Q. B. D. 504, where the qualification was stated as "offices, successive occupation," and the qualifying property as "High Street and Charles Street," whereas in fact the voter had occupied one office only in High Street, it was held that the revising barrister might correct the mistake, and should have amended the list by striking out "successive occupation" and "Charles Street."

Power to fine
overseers for
neglect.
* p. 101.

29. The provisions of the fifty-first section of the Parliamentary Registration Act, 1843,* relating to the power of the revising barrister to fine overseers for neglect of duty, shall extend to every wilful refusal, neglect, or breach of duty on the part of overseers in the execution of this Act.

Expenses and
receipts.

† p. 128.

30. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the expenses properly incurred by the town clerk (including in his expenses the matters mentioned in section thirty-one of the Representation of the People Act, 1867†), and the expenses properly incurred by the overseers in carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists, and all moneys received in respect of any of those lists, or in respect of any fine imposed by the revising barrister on the revision of the lists, shall be respectively paid and applied as follows:

(1.) If the area of the parliamentary borough and the area of the municipal borough are co-extensive, one half of the expenses shall be defrayed in the manner provided by the Parliamentary Registration Acts as expenses incurred thereunder,† and the other half shall be defrayed out of the borough fund, and one half of the moneys received as aforesaid shall be applied in the manner directed in those Acts, and the other half shall be paid to the borough fund:

(2.) In all other cases the expenses and receipts in respect of the area common to the parliamentary borough and to a municipal borough shall, as to one half thereof, be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts, and shall as to the other half thereof be defrayed out of and paid to the borough fund of such municipal borough:

And the expenses and receipts in respect of an area exclusively parliamentary shall be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts:

And the expenses and receipts of an area exclusively municipal shall be defrayed out of and paid to the

† p. 102.

borough fund of the municipal borough comprising such area :

41 & 42 Vict.
c. 26, s. 30.

Any expenses and receipts incurred or arising in respect of more than one such area shall be apportioned between the several areas in respect of which they are incurred or arise, in the proportion as nearly as may be in which the same are incurred and arise in respect of the several areas, regard being had to the number of parliamentary voters or burgesses in each area, or any other circumstances occasioning the expenses or giving rise to the receipts :

The revising barrister shall, as part of the business of the revision, determine, if necessary, in respect of what area or areas any expenses or receipts are incurred or arise, and how much thereof is attributable to each area.

The remuneration of the revising barrister shall be paid as heretofore under the Parliamentary Registration Acts : Provided always, that in the case of a municipal borough whose burgess lists are revised under this Act, there shall be paid out of the borough fund to the revising barrister, by way of additional remuneration in respect of his additional work on account of the municipal revision for such municipal borough, a remuneration at the rate mentioned in the third section of the Municipal Corporation Act, 1859.

Remuneration
of revising
barrister.

Borough Fund.] By ss. 140 and 141 of the Municipal Corporations Act, 1882, 45 & 46 Vict. c. 50, and by Schedule 5 of that Act, the expenses under this section are payable out of the borough fund as expenses charged thereon by an Act of Parliament, and are payable thereout upon an order of the council signed by three members, and countersigned by the town clerk.

Remuneration of Revising Barrister.] See s. 59 of the Act of 1843, p. 104. The remuneration for the municipal revision appears to be at the rate of five guineas per day, over and above expenses, such being the remuneration of a Commissioner for Division of a Borough into wards, under s. 30, subs. 15, and Sched. 4 of the Municipal Corporations Act, 1882, which has superseded the third section of the Municipal Corporations Act, 1859.

31. The lists, if made out in divisions under this Act, shall when revised be delivered to the town clerk to whom in respect of the area to which the lists relate revised parliamentary lists ought to be delivered.

Delivery and
custody of re-
vised lists.

The revising barrister shall as part of the business of the revision, at the request of the town clerk of any municipal borough the whole or part of the area of which is co-extensive with or included in the area of a parliamentary borough, sign and deliver to him a duplicate of the whole or part of any revised list made out in divisions and relating to that municipal borough.

Every such duplicate shall be prepared by the town clerk at whose request it is so signed, and shall be kept by him for use for municipal purposes.

See s. 17. In the case of a borough divided under the Redistribution of

41 & 42 Vict.
c. 26.

Commence-
ment and dura-
tion of parlia-
mentary regis-
ter.

Seats Act, s. 8, p. 259, it seems that the town clerk of the whole borough will act under this section for all the divisions.

32. The register made up from revised lists under the Parliamentary Registration Acts and this Act of voters for any parliamentary borough shall come into operation on the first day of January next after the revision, and shall continue in operation for the year commencing with such first day of January.

By s. 30, suba. 4 of the Redistribution of Seats Act, 1885, p. 241, it is provided that the register shall, in 1885, be delivered to the returning officer on the 7th November, and shall be the register of voters, as after that day, if Parliament be then dissolved.

As to commencement of register in ordinary years, see s. 38 of the Act of 1867, p. 130.

[Municipal.]

33. The burgess roll made up from revised lists under this Act of burgesses for any municipal borough shall come into operation on the first day of November next after the revision, and shall continue in operation for the year commencing with such first day of November.

[Municipal.]

34. For all the purposes of the Municipal Elections Act, 1875, relating to the qualification of candidates, or of persons signing or subscribing nomination papers, expressions referring to the burgess roll of the borough, or to the burgess roll or ward list for the time being in force in the borough or ward, shall, for the purposes of any election to be held on or after the first day of November in any year, be deemed to refer to the new burgess roll or ward list to come into force on the first day of November in that year.

[Municipal.]

35. Where burgess lists are revised under this Act, the provisions of the Parliamentary Registration Acts as to appeal from the decision of the revising barrister shall apply to a decision on the revision of the burgess lists, and the provisions of the said Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll made up from the burgess lists as if it were a register of parliamentary voters, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made and signed by him.

Power for re-
vising barrister
to summon
witnesses.

36. A revising barrister may by summons under his hand require any person to attend at the court and give evidence or produce documents for the purpose of the revision, and any person who after the tender to him of a reasonable amount for his expenses fails so to attend, or who fails to answer any question put to him by the revising barrister in pursuance of this section, or to produce any document which he is required in pursuance of this section to produce, shall be liable to pay such fine not exceeding five pounds as may be imposed by the revising barrister, and such fine may be recovered, and when recovered

shall be applied in like manner as any other fine imposed by the revising barrister under the Parliamentary Registration Acts.

41 & 42 Vict.
c. 26.

See ss. 51 and 52 of the Act of 1843, p. 101.

37. If any person feels aggrieved by a revising barrister neglecting or refusing to state any case, he may, within one month after such neglect or refusal, apply to the High Court of Justice upon affidavit of the facts for a rule calling on the revising barrister, and also on the person (if any) in whose favour the decision from which the applicant desires to appeal was given, to show cause why a rule should not be made directing the appeal to be entertained and the case to be stated, and thereupon the High Court, or any judge thereof in chambers, may make such rule to show cause, and make the same absolute, or discharge it with or without payment of costs as seems just, and the revising barrister on being served with any such rule absolute shall state the case accordingly, and the case shall be stated and the appeal entertained and heard, notwithstanding any limitations of time or place contained in the Parliamentary Registration Act, 1843.

Appeal where
revising bar-
rister neglects
or refuses to
state case.

See ss. 42, 62, and 64 of the Act of 1843. It is believed that in no case since the passing of this Act has it been yet (1885) necessary to bring the provisions of this section into operation.

As to further appeal to Court of Appeal by leave, see s. 14 of the Judicature Act, 1881, 44 & 45 Vict. c. 68, p. 163.

38. The costs of an appellant against a decision of a revising barrister may, if the appeal is successful, be ordered by the court hearing the appeal to be paid by the clerk of the peace or town clerk named as respondent in the said appeal, whether he shall or shall not appear before the said court in support of the decision.

Costs of appeal.

For enabling an appellant to obtain such an order he may at or before the time of making his declaration of appeal under section forty-two of the Parliamentary Registration Act, 1843,* require the revising barrister to name the clerk of the peace for the county or the town clerk for the parliamentary borough or municipal borough, as the case may be, to which the appeal relates to be respondent in the appeal.

* p. 94.

The revising barrister if so required shall, and in any case may, name such clerk of the peace or town clerk, as the case may be, to be respondent in an appeal, either alone or in addition to any other person referred to in section forty-three of the Parliamentary Registration Act, 1843.†

† p. 96.

The expenses properly incurred by a clerk of the peace or town clerk as respondent, including any costs which he may be ordered to pay to the appellant in any such appeal, shall be allowed to him as part of the expenses incurred by him in respect of the revision of the list to which the appeal relates. The term "expenses" in this section shall include all matters

41 & 42 Vict.
c. 26, s. 38.

mentioned in section thirty-one of the Representation of the People Act, 1867.*

* p. 128.

† p. 108.

Power to make
rules for pro-
ceedings at re-
vision courts.

The costs of an appeal against a decision of a revising barrister shall be in the discretion of the court hearing the appeal, subject, except as aforesaid, to the proviso contained in section seventy of the Parliamentary Registration Act, 1843.†

39. The authority having power to make rules for regulating the practice and procedure in her Majesty's High Court of Justice may from time to time make, and when made alter and annul, rules for regulating the practice and procedure in the courts of revising barristers for the purposes of the Parliamentary Registration Acts and of this Act.

Rules to be laid
before Parlia-
ment.

All rules made under this section shall be laid before each House of Parliament within forty days next after the same are made, if Parliament is then sitting, and if not, within forty days after the beginning of the then next sitting of Parliament, and if an address is presented to her Majesty by either of the said Houses within the next subsequent forty days on which the said House shall have sat praying that any such rule be annulled, her Majesty may by Order in Council annul the same, and any rule so annulled shall thenceforth be of no effect, but without prejudice to the validity of any proceedings in the meantime taken thereunder.

All such rules shall while in force have effect as if enacted in this Act.

The authority to make rules under this section is apparently, by s. 17 of the Judicature Act, 1885, as amended by s. 19 of the Judicature Act 1881, a committee of eight judges, with a quorum of five; but no rules of procedure have as yet (August, 1885), been made under this section.

Service of
notices.

‡ p. 114.

40. The provisions of section one hundred and one of the Parliamentary Electors Registration Act, 1843,‡ as to the service of notices shall apply to the service of notices under this Act.

“Notice.”

The term “notice” in the Parliamentary Registration Acts and this Act shall include any document required to be sent or delivered.

[Municipal.]

41. Section thirteen of the Ballot Act, 1872, shall, with respect to any municipal election, apply to non-compliance with any of the provisions of or mistake or error in the use of any of the forms prescribed by the Municipal Elections Act, 1875.

Saving for ex-
isting regis-
ters.

42. Nothing in this Act shall affect any register of parliamentary voters or burgess roll in force at the commencement of this Act.

Universities.

43. Nothing in this Act shall affect the provisions contained in section seventy-eight of the Reform Act, 1832.

S. 78 of the Reform Act, 1832, which saves the Universities of Oxford and Cambridge from the operation of that Act, is repealed by s. 15 of the Act of 1885, p. 175.

SCHEDULE.

41 & 42 Vict.
c. 26.

[Forms of Precept Lists, Claims, Notices of Objection, &c., for Boroughs, prescribed by s. 8. Superseded by forms in Schedule 3 of the Act of 1885, p. 206, prescribed by s. 18 of that Act, p. 176.]

44 & 45 Vict. c. 68. Supreme Court of Judicature Act, 1881.

44 & 45 Vict.
c. 68.

14. The jurisdiction of the High Court of Justice to decide questions of law, upon appeal or otherwise, under the Act of the sixth and seventh years of her Majesty, chapter eighteen, the County Voters Registration Act, 1865, the Parliamentary Elections Act, 1868, the Corrupt Practices (Municipal Elections) Act, 1872, the Parliamentary and Municipal Registration Act, 1878, or any of the said Acts, or any Act amending the same respectively, shall henceforth be final and conclusive unless in any case it shall seem fit to the said High Court to give special leave to appeal therefrom to her Majesty's Court of Appeal, whose decision in such case shall be final and conclusive.

Appeal from
High Court, by
leave, to Court
of Appeal.

See ss. 42, 62, and 64 of the Act of 1843, 6 Vict. c. 18, p. 95, and s. 37 of the Act of 1878, p. 161. The Act of 1865 contains no special provisions as to appeal.

Prior to this fourteenth section of the Judicature Act, 1881, there was, as assumed by this section, though the question may have admitted of doubt, an appeal by leave under s. 45 of the Judicature Act, 1843: *Crush v. Turner*, 3 Ex. D. 43, although it is believed that no appeal was in fact heard. For instances of leave to appeal since the passing of this enactment, see *Bradley v. Baylis*, 8 Q. B. D. 195; *Anketill v. Baylis*, 10 Q. B. D. 577; and *Nuth v. Tamplin*, 8 Q. B. D. 247.

48 Vict. c. 15.

48 Vict. c. 15.

REGISTRATION ACT, 1885.

An Act to assimilate the Law affecting the Registration of Occupation Voters in Counties and Boroughs, and for other purposes.
[21st May, 1885.]

Section.

PAGE

1. Extension to county voters of borough system of registration	165
2. Adaptation of Acts as regards lists of county voters	166
3. Alteration of dates.	167
4. Period for revision—Evening sittings—Revision by polling districts—Double entries in counties, &c.	167
5. Double entries in boroughs	169
6. Saving as to registration of burgesses and voters in parishes in municipal boroughs.	170
7. Precepts from clerks of the peace and town clerks	171
8. Remuneration of clerks of the peace	172
9. Divided parishes	172
10. Special as to voters in 1885	173
11. £50 rental voters	173
12. Period of qualification by reference to July 15th	173
13. Constitution of polling districts	173

48 Vict. c. 15.	Section.	PAGE
	14. Expenses in case of divided county jurisdiction	174
	15. Repeal of s. 78 of Act of 1832 as to Universities	175
	16. Information as to persons disqualified by parochial relief	175
	17. Repeal of enactments in Sched. 1	176
	18. Enactment of forms, &c.	176
	19. Definition of "Ownership voter," "Occupation voter," "County Quarter Sessional Area," &c.	177
	20. Extent and short title of Act	178
	SCHEDULES—	
	1. Enactments repealed	178
	(COUNTIES).	
	2. Instructions for counties.	179
	Instructions to clerks of peace	179
	<i>Forms.</i>	
	1. Precept to overseers	180
	Part I.—General	180
	Part II.—Dates	185
	<i>Forms for Owners.</i>	
	2. Notice for claims	189
	Notice of claims	190
	3. List of claimants	191
	4, 5. Notices of objection	192
	6. List of persons objected to	194
	7. Declaration of abode	194
	<i>Forms for Occupiers.</i>	
	(A.) Requisition for names of inhabitant occupiers	195
	(B.) Notice to be published by overseers as to rates	197
	(C.) 1. Notice to be served on ratepayer	197
	(C.) 2. List of persons disqualified for unpaid rates	198
	(D.) Old lodgers list	198
	(E.) List of occupiers	199
	(H.) 1. Notice of claims	200
	(H.) 2. Notice of claim by lodger	201
	(I.) Notices of objection	201
	(K.) 1. List of claimants	202
	(K.) 2. List of lodger claimants	202
	(L.) 1. Objection list	203
	(L.) 2. Objection list (lodger's)	203
	(M.) Declaration to correct misdescription	204
	(N.) 1. Notice to party objected to of withdrawal	205
	(N.) 2. Notice to overseers of withdrawal of objection	205
	(O.) 1. Notice, to party objected to, of revivor of objection	205
	(O.) 2. Notice, to overseers, of revivor	205
	(BOROUGHs).	
	3. Instructions for boroughs	206
	Instructions to town clerks	206
	Precept to overseers	208
	Part I.—General	209
	Part II.—Dates	214
	<i>Forms.</i>	
	(A.) Requisition by overseers for names of occupiers	218
	(B.) Notices as to rates to be published by overseers	220
	(C.) 1. Notice to be served on ratepayer	221
	(C.) 2. List of the disqualified for unpaid rates	221
	(D-G.) Lists of voters	222

Section.	PAGE	48 Vict. c. 15.
(H.) 1. Notice of claim	225	
(H.) 2. Notice of claim by lodger	225	
(I.) Notices of objection	227	
(K.) Lists of claimants	229	
(L.) Lists of persons objected to	231	
(M.) Declaration to correct misdescription	233	
(N.) 1. Withdrawal of objection	234	
(N.) 2. Notice to town clerk of withdrawal	234	
(O.) 1. Revivor of objection	235	
(O.) 2. Notice to town clerk of revivor	235	
(P.) Voter's notice of selection in case of duplicate entries	235	

Whereas it is expedient that the assimilation of the county and borough occupation franchises should be followed by an assimilation of the registration law applicable to those franchises in counties and boroughs:

The assimilation of the franchises was accomplished by the Representation of the People Act, 1884, p. 59, *ante*.

BE IT THEREFORE ENACTED as follows:

1.—(1.) Subject to the modifications in this Act mentioned, the registration of occupation voters in parliamentary counties shall be conducted in the like manner as the registration of occupation voters in parliamentary boroughs, and the Parliamentary Registration Acts shall apply to parliamentary counties in like manner as they apply to parliamentary boroughs.

Extension to county occupation voters of borough system of registration.

(2.) Subject to the modifications in this Act mentioned, the following sections of the Parliamentary and Municipal Registration Act, 1878, that is to say,—

Partial extension of borough system to ownership voters.

Section nine* (relating to the publication of notices at post offices, telegraph offices, and public, municipal, and parochial offices);

* p. 142.

Section twenty-seven† (relating to objections to the lists of voters);

† p. 152.

Section twenty-eight‡ (relating to the duties and powers of revising barristers); and

‡ p. 153.

Section twenty-nine§ (relating to the power to fine overseers for neglect of duty),

§ p. 158.

shall apply to the registration of ownership voters in parliamentary counties in like manner as to the registration of occupation voters; but save as aforesaid, nothing in this section shall be deemed to extend to ownership voters any of the provisions of the Parliamentary Registration Acts which relate to boroughs.

(3.) In the construction of the above-mentioned Acts and sections for the purposes of their application by this section, there shall be made the variations following, and such other variations as are necessary for carrying into effect the said application; that is to say,—

Modifications *ad hoc* of Registration Acts.

(a.) "Parliamentary county" shall be substituted for "parliamentary borough."

48 Vict. c. 15,
s. 1, subs. 3.

*Modifications
of Registration
Acts.*

* p. 142.

† p. 148.

‡ p. 149.

§ p. 152.

(b.) "Clerk of the peace" shall, subject as in this Act mentioned, be substituted for "town clerk," save where the context requires a reference to the town clerk of a municipal borough.

(c.) Section nine* of the Parliamentary and Municipal Registration Act, 1878, shall apply only to the publication of notices within parishes situate wholly or partly in an urban sanitary district and not in a parliamentary borough.

(d.) Section sixteen† of the Parliamentary and Municipal Registration Act, 1878, shall not apply to parliamentary counties, except so far as relates to the registration of persons entitled to vote in respect of a lodger qualification.

(e.) Section twenty-one‡ of the Parliamentary and Municipal Registration Act, 1878, shall not apply to parliamentary counties.

(f.) Any notice required to be given to the town clerk by section twenty-seven§ of the Parliamentary and Municipal Registration Act, 1878, relating to the withdrawal and revival of objections, shall be given in a parliamentary county to the overseers, and not to the clerk of the peace.

For the "modifications in this Act mentioned," see especially subs. 8 of this section, and s. 4.

"Ownership
voters."

(1.) For definition of "occupation voter," "parliamentary county," and "Parliamentary Registration Acts," see s. 19, p. 177.

(2.) S. 28 of the Act of 1878 (p. 153) applied to counties generally, but this section must be read with s. 4 of this Act, and it is to be observed that s. 40 of the Act of 1843, which applied to counties only prior to this Act, while s. 28 of the Act of 1878 applied to boroughs only, is now wholly repealed by s. 17 and Sched. 1 of this Act, so that the "duties and powers of a revising barrister" are, with the exception of certain provisions as to double entries under subs. 9 of ss. 4 and 5, almost the same in counties and in boroughs.

Adaptation of
Registration
Acts as regards
lists of county
voters.

2.—(1.) For the purpose of the enactments relating to the registration of voters the lists of occupation voters in a parliamentary county shall be deemed to be part of the list of voters in that county, and any person whose name appears in the list of voters may object to the name of any person therein, in like manner as if he were on the register of voters for the county.

(2.) In the list of voters and register of voters in a parliamentary county there shall be separate lists of—

- (a.) ownership voters;
- (b.) occupation voters other than lodgers; and
- (c.) lodgers.

For definition of "occupation voter," see s. 19, *infra*.

As to manner of objection in a county, see s. 7 of the Act of 1843, p. 77.

For forms of lists, see Form No. 3 of Part I. of Sched. 2, p. 191 ("Ownership Voters"), and Forms (D.) and (E.) of Sched. 2, p. 198 ("Occupation Voters").

Dates.

3.—(1.) In both parliamentary counties and parliamentary boroughs notices of claims and objections shall be given on or

before the twentieth day of August, and the twentieth day shall be substituted in the Parliamentary Registration Acts for the twenty-fifth day of August wherever the same occurs.

48 Vict. c. 15,
s. 3.

(2.) The overseers shall, in both parliamentary counties and parliamentary boroughs, on or before the twenty-fifth day of August publish the list of claims and objections, and deliver to the clerk of the peace and town clerk respectively the papers mentioned in sections nine and nineteen of the Parliamentary Registration Act, 1843; and the twenty-fifth day of August shall be substituted in the Parliamentary Registration Acts for the twenty-ninth day of August and for the first day of September wherever those dates respectively occur, and the first fourteen days after the said twenty-fifth day of August shall be substituted for the first fourteen days of September.

20th substituted for 25th August
25th substituted for 29th August.

Amendments as to Revision.

4.—(1.) The court for the revision of the lists of voters in a parliamentary county may be held within the same period within which a court may be held for the revision of the lists of voters in a parliamentary borough, and seven days notice of each court shall be sufficient.

Period for sittings of Revision Court.

(2.) All declarations made in pursuance of section ten of the County Voters Registration Act, 1865,* shall be transmitted to the clerk of the peace on or before the twelfth† day of September, and such declarations shall be open to inspection, and copies thereof shall be sold, on any day prior to the first day on which a court for the revision of the lists of voters in a parliamentary county can be held.

Declarations of abode.

* p. 123.

† 5th in 1885.

(3.) Where a place in a parliamentary county at which a revising barrister for such county is required to hold a court, is an urban sanitary district containing, according to the last published census for the time being, more than ten thousand inhabitants, the revising barrister shall hold at least one evening sitting of his court in such place, and section four of the Revising Barristers Act, 1873,‡ shall apply to such sitting with the substitution of clerk of the peace for town clerk.

Evening sittings.

‡ p. 134.

(4.) When it appears to the local authority having power to assign polling places in a parliamentary county that, for the convenience of the voters in some polling district in such county, it is expedient to direct the holding of a revision court in a town near such polling district, although outside the boundary of the said county, the said authority may direct the revising barrister for the county to hold a revision court in such town.

Court near polling district.

(5.) The revising barrister need not insert in any list of voters for a parish in a county or borough the names of persons claiming to be inserted in such list, but may revise the list of claimants in like manner as if it were a list of voters, and sign the same as so revised, and deliver it to the clerk of the peace or town clerk as the case requires, and such clerk shall insert in

Revision of list of claimants.

48 Vict. c. 15,
s. 4.

*Amendments as
to Revision.*

Completion of
revision by
polling dis-
tricts.

* p. 431.

Supplemental
list of persons
registered by
revising bar-
rister as voters
in particular
district.

† p. 91.

Multiple
entries in
counties.

‡ p. 155.

[See Form (P.),
p. 235.]

the proper place in the lists of voters the name of each person appearing from the revised list of claimants so signed to be entitled to vote.

(6.) The revising barrister shall, if practicable, complete the revision of the lists of voters for the parishes in one polling district in a parliamentary county, and transmit the same to the clerk of the peace of the county, before proceeding to revise the lists of voters for any parish in another polling district.

(7.) The clerk of the peace shall, as soon as possible, proceed to cause copies of such lists to be printed, and in numbering the names shall prefix the number one to the first name in each polling district, so that there may be a separate series of numbers for each polling district, and such distinctive letter shall be applied to each polling district as may be determined by the local authority creating the polling district, or in default of such determination by the clerk of the peace; and in the case of a poll such letter shall be deemed to be part of the number of the elector, to be marked in manner directed by the Ballot Act, 1872.*

(8.) The clerk of the peace shall, as soon as possible after the receipt of all the revised lists of his county, cause to be made out and printed a separate supplemental list for each polling district, containing the names of all persons whose names do not appear in any list of voters for the parishes in such district, but who have been registered by the revising barrister as entitled to vote at the polling place of such district; and such supplemental list shall be placed at the end of the parish lists in each polling district;† and the names therein shall be numbered consecutively after the rest of the lists in such polling district. The clerk of the peace shall add at the end of the register of voters a summary of the number of voters in each polling district.

(9.) Sub-section fourteen of section twenty-eight of the Parliamentary and Municipal Registration Act, 1878,‡ shall not apply to parliamentary counties, and in substitution for it the following provisions shall have effect:—

(a.) Where the name of a person appears to be entered more than once as a parliamentary voter on the lists of voters for the same parliamentary county, the revising barrister shall inquire whether such entries relate to the same person, and, on proof that such entries relate to the same person, shall retain one entry and erase the others.

(b.) The said person may select the entry to be retained by notice in writing delivered or sent by post to the revising barrister at or before the opening of the first court at which he revises any of the lists in which any such entries appear, or by application made by such person or on his behalf, at the time of the revision of the first of such lists.

(c.) If no selection is so made the entry to be retained shall be determined as follows: 48 Vict. c. 15,
s. 4.

- (i) if only one of the entries is on the list of ownership voters, that entry shall be retained; and
- (ii) if all or none of the entries are on the list of ownership voters, and one of the entries is the place of abode of the voter, the entry in respect of the place of abode shall be retained; and
- (iii) in any other case the entry in that one of the lists which is first revised by the revising barrister shall be retained,

and if any such entry to be retained is objected to, the revising barrister shall not finally erase any other entry until the objection to the entry to be retained has been determined by him in favour of the voter.

This section must be read with s. 28 of the Act of 1878, p. 153.

(1.) *The Court . . . may be held.*] As to period for Borough Revision Court, see Act of 1878, s. 18, p. 149.

By the Redistribution of Seats Act, 1885, s. 30 (a), p. 241, it is enacted that the lists shall be revised in 1885 between the 8th September and the 8th October, both inclusive, and as soon as possible after the 7th September.

The seven days' notice is substituted for the ten days required by s. 32 of the Act of 1843, p. 89.

(2.) *Declarations.*] By s. 10 of the Act of 1865, p. 123, any person whose place of abode is not correctly stated in the list of voters, or who has had notice of objection on a ground connected with his place of abode, may make a declaration of his true place of abode (see Form 7, p. 194) before a justice of the peace or a commissioner for oaths, which declaration is to be sent to the clerk of the peace, and by him forwarded to the revising barrister. The 12th is substituted by this section for the 14th September, and the "last day of June" is substituted in the new form under this Act for the "last day of July" as the date at which the declarant must have possessed the same qualification as that in which his name was inserted in the list. Form 7, p. 194, applies to ownership voters only.

By s. 30 (a) of the Redistribution of Seats Act, 1885, p. 241, the declarations are to be sent, in the year 1885, on or before the 5th September.

For "declaration to correct misdescription by occupation voters," see Form (M.), p. 204.

(4.) *The local authority.*] The local authority to assign polling places in a county is by s. 34 of the Representation of the People Act, 1867, p. 129, the justices of the peace having jurisdiction therein or in the larger part thereof. The Act has no definition of "town" which is, it is conceived, used in its popular sense.

(6.) *In one polling district.*] See further as to polling districts s. 34 of the Representation of the People Act, 1867, p. 129.

(7.) *Number of the elector.*] See s. 2 of the Ballot Act, 1872, p. 431, by which each ballot paper has a number on the back and a counterfoil with the same number on the face, being the number of the voter on the register of voters.

5.—(1.) Where a person is entered more than once as a parliamentary voter on the lists of voters for the same parliamentary borough, and the revising barrister proceeds in pursuance of subsection fourteen of section twenty-eight* of the Parliamen-

Multiple entries in boroughs.
* p. 155.

48 Vict. c. 15,
s. 5.

*Multiple
Entries in
Boroughs.*

tary and Municipal Registration Act, 1878, to retain one of such entries for voting, and places against the others a note to the effect that such person is not entitled to vote in respect of the qualification therein contained, and such person has not selected the entry to be retained, the entry to be retained shall be determined as follows :

- (a.) If one of the entries is on the list of freemen that entry shall be retained ;
- (b.) If neither of the entries is on the list of freemen, and one of the entries is the place of abode of the voter, the entry in respect of the place of abode shall be retained ; and
- (c.) In any other case the entry in that one of the lists which is first revised by the revising barrister shall be retained ;

and if any such entry to be retained is objected to, the revising barrister shall not finally place a note against any other entry until the objection to the entry to be retained has been determined by him in favour of the voter.

Entry in more
than one divi-
sion of divided
borough.

* p. 259.

(2.) Where a parliamentary borough is divided into divisions,* and notwithstanding the said provisions of the Parliamentary and Municipal Registration Act, 1878, and this Act, the name of a person is entered in the register of parliamentary voters in more than one division in the said parliamentary borough without such note as above in this section mentioned, and one of those entries is his place of abode, he shall be entitled to vote only in that division in which he is registered as a voter in respect of his place of abode, and shall not vote in respect of any other entry.

Saving as to
registration of
burgesses and
voters in
parishes in
municipal
boroughs.

6.—(1.) Subject to the exception hereinafter mentioned, where a parish is situated in a municipal borough and not in a parliamentary borough, the registration of occupation voters shall be conducted in manner provided by the Parliamentary and Municipal Registration Act, 1878, as applied by this Act, respecting the registration of occupation voters in a parish which is not situate in a municipal borough ; and the enrolment of burgesses in the said municipal borough shall be conducted in a manner provided by the Municipal Corporations Act, 1882, with respect to municipal boroughs to which the Parliamentary and Municipal Registration Act, 1878, does not apply ; and revising assessors shall continue to be elected in accordance with the Municipal Corporations Act, 1882, as amended by any Act of the present session with respect to municipal elections.

(2.) But where any part of the area of the said municipal borough was immediately before the dissolution of this present Parliament included in the area of a parliamentary borough, and such parliamentary borough ceased after such dissolution to be a parliamentary borough, then the registration of occupation voters and the enrolment of burgesses in a parish in such municipal borough shall be conducted in like manner, so nearly

as may be, as heretofore, and the Parliamentary and Municipal Registration Act, 1878, shall apply to the said municipal borough in like manner as heretofore, subject nevertheless as follows:

48 Vict. c. 15,
s. 6.

(a.) "Parliamentary county" shall, for the purpose of such application, be substituted for "parliamentary borough."

(b.) The lists and register of voters shall be made out alphabetically in like manner as in the rest of the county, but the lists shall be framed in parts for polling districts and wards in such manner that the parts may be conveniently compiled or put together to serve as lists for polling districts or as ward lists.

(c.) The overseers of every parish in such municipal borough shall send to the clerk of the peace for the parliamentary county two copies of the lists of voters at the same time at which they send copies to the town clerk, and the lists of voters for a parish in such borough when revised shall be transmitted by the revising barrister to such clerk of the peace, and dealt with by him as with other lists in his county, but, save as aforesaid, the town clerk of the municipal borough shall, until such transmission, act as and be deemed to be the town clerk within the meaning of the Parliamentary Registration Acts and this Act in relation to such parish, and the clerk of the peace shall not act in relation to the registration of occupation voters in such parish.

(d.) The lists of occupation voters and burgesses shall be revised by the revising barrister for the parliamentary county in which the municipal borough is situate, and if that borough extends into more parliamentary counties than one, then by the revising barrister for the parliamentary county in which the greater part in extent of such municipal borough is situate, and such revising barrister shall hold a court in the municipal borough.

7.—(1.) Clerks of the peace and town clerks shall send their precepts to the overseers in the present year within twelve days after the passing of this Act, and in any subsequent year on or within seven days before the fifteenth day of April.

Precepts of
clerks of the
peace and town
clerks to over-
seers.

(2.) Where a parliamentary county is co-extensive with or comprised in one county quarter sessional area, the clerk of the peace for that area shall, as regards such parliamentary county, be clerk of the peace for the county within the meaning of the Parliamentary Registration Acts and this Act, subject nevertheless to the provisions of section one hundred and one of the Parliamentary Registration Act, 1843, with respect to the town clerk of the borough of Newport, Isle of Wight, being deemed and taken to be clerk of the peace for the parliamentary county of the Isle of Wight.

48 Vict. c. 15,
s. 7.

*Clerks of the
Peace.*

(3.) Where a parliamentary county extends into more county quarter sessional areas than one, the clerk of the peace of each county quarter sessional area shall, in respect of each parish in such parliamentary county which is within his jurisdiction, act as and be deemed to be the clerk of the peace of the county within the meaning of the Parliamentary Registration Acts and this Act, until the lists of voters for such parish have been revised; but the revising barrister shall transmit the revised lists of voters for such parish to the clerk of the peace of the county quarter sessional area which comprises the largest part in extent of the said parliamentary county, and save as aforesaid, such last-mentioned clerk shall, as respects the said parliamentary county, act as, and be deemed to be sole clerk of the peace of the county for the purposes of the Parliamentary Registration Acts and this Act.

(1.) *Precepts to Overseers.*] The Act passed on the 21st May, 1885, so that the last day for sending the precepts in the year 1885 was the 2nd of June.

The last day for sending precepts under the Act of 1843 was, by ss. 3 and 10, the 10th of June, both for counties and boroughs.

For forms of precept, which by this Act are quite new and much more elaborate, see for Counties, Form No. 1 of Schedule 2, p. 180, and for Boroughs, see Form in Schedule 3, p. 208.

As to sending supplemental precepts in 1885, and as to validity of things done in anticipation of that Act, see s. 19 of Redistribution of Seats Act, 1885, p. 239.

(3.) *County Quarter Sessional Area.*] For definition of "county quarter sessional area," see s. 19.

Application of
s. 31 of Act of
1867 as to re-
muneration of
clerks of the
peace.

* p. 102.

8. Whereas by section thirty-one of the Representation of the People Act, 1867, it was provided that the word "expenses" in sections fifty-four and fifty-five of the Parliamentary Registration Act, 1843,* should include and apply to all proper and reasonable fees and charges of any clerk of the peace of any county, or of any town clerk of any city or borough to be thereafter made or charged by him in any year for his trouble, care, and attention in the performance of the services and duties imposed on him by the above-mentioned Acts:

† p. 59.

And whereas doubts may arise as to whether the said section would extend to services and duties imposed upon him by the Representation of the People Act 1884,† or this Act, and it is expedient to remove such doubts: Be it therefore enacted as follows:

‡ p. 128.

Section thirty-one of the Representation of the People Act, 1867,‡ with respect to the remuneration of clerks of the peace and town clerks, shall extend to their duties under the Representation of the People Act, 1884, and this Act.

Divided
parishes.

§ p. 139.

9. Where a parish is situated partly within and partly without the boundary of a parliamentary county, or of a parliamentary borough, or of a municipal borough, the burgesses of which are enrolled in accordance with the Parliamentary and Municipal Registration Act, 1878,§ the Parliamentary Registration Acts and this Act shall apply as if the several parts of the

parish divided by such boundaries were respectively separate parishes, and the overseers of the whole undivided parish were also the overseers of each such separate parish.

48 Vict. c. 15,
s. 9.

This section has merely the effect of doubling the duties of overseers of divided parishes, which overseers in which divided parishes will have to make out separate lists of voters for each division.

10. Any person deemed to be an inhabitant occupier under section three of the Representation of the People Act, 1884,* shall be qualified to be registered as if the provisions of that Act had been in force throughout the year one thousand eight hundred and eighty-four, and had been duly carried into effect.

Special provisions as to voters in 1885.
* p. 60.

The Act of 1884, p. 59, *ante*, was passed on the 6th December, 1884. The third section of that Act establishes what is commonly called the "service franchise" by the enactment that a person inhabiting a house by reason of an office or service shall be deemed to occupy the house as a tenant, but contains no express words qualifying him to be registered. This section expressly qualifies such a person for registration, and makes the period of qualification which actually began on the 6th December, 1884, and would not therefore but for this section be sufficient, constructively to begin on the 1st January, 1884.

11. A man entitled to be registered as a fifty pounds rental voter shall be registered as an occupation voter and not as an ownership voter, and shall be included in the expression "occupation voter" in this Act, and it shall be the duty of the overseers to insert the name of every fifty pounds rental voter in the list of occupation voters, and to add "objected" before the name of such voter in the portion of the register relating to ownership voters.

Voters in respect of £50 rental.

As to fifty pounds rental voters, see s. 19 of this Act, *post*.

12. Whereas by section seven of the Parliamentary and Municipal Registration Act, 1878, it is provided that every period of qualification for parliamentary voters in parliamentary boroughs which was then computed by reference to the last day of July should be computed by reference to the 15th day of July, and the said enactment extends to occupation voters in parliamentary counties, and it is expedient to extend the same enactment to all other voters in parliamentary counties: Be it therefore enacted as follows:

Period of qualification by reference to 15th July.

Every period of qualification as defined by the said Act for any voter in a parliamentary county which is now computed by reference to the last day of July shall, instead of being so computed, be computed by reference to the fifteenth day of July.

The 7th section of the Act of 1878, p. 141, extends to occupation voters in counties by virtue of s. 1, subs. 1, of this Act, *ante*. The present section extend it to ownership voters, and at the time repeats the extension of s. 1, subs. (1), to occupation voters.

13.—(1.) Where a parliamentary county is co-extensive with or is comprised within one county quarter sessional area, the court of county quarter sessions having jurisdiction in that area shall be the local authority having power to divide such parlia-

Constitution of polling districts.

48 Vict. c. 15,
s. 13.

*Polling Dis-
tricts.*

mentary county into polling districts within the meaning of the enactments relating to polling districts.

(2.) Where a parliamentary county extends into more county quarter sessional areas than one, the court of county quarter sessions for the area which comprises the largest part in extent of such parliamentary county, shall be the local authority having power to divide such parliamentary county into polling districts.

(3.) Where a parliamentary county extends into more county quarter sessional areas than one, the local authority having power to divide the said county into polling districts shall have power to agree with any other court of quarter sessions having jurisdiction in that area for the constitution of a joint committee to take into consideration the division of such county into polling districts and assigning of polling places to such districts, and shall, after receiving the report of the said committee, make such order thereon as they may think fit.

(4.) The local authority having power to divide any parliamentary county or parliamentary borough into polling districts shall, not later than one month after the passing of this Act, take into consideration the division of such county or borough into polling districts, and, if necessary, in order to make the districts conform with the enactments relating to the division of counties and boroughs into polling districts, shall divide such county and borough, or any division of such borough anew into polling districts, and (in a county) assign polling places to such districts, in such manner as shall make the districts so conform with the said enactments, measuring the distance therein mentioned along the nearest road, so as to meet the convenience of electors in recording their votes.

(5.) A court of general sessions shall, where necessary for the purposes of this section, be assembled forthwith after the passing of this Act.

(1.) *County Quarter Sessional Area.*] For definition of this term, see s. 19.

Enactments relating to Polling Districts.] These enactments are: Representation of the People Act, 1867, s. 34, p. 129; Ballot Act, 1872, s. 5, p. 434; Corrupt and Illegal Practices Prevention Act, 1883, s. 47, p. 494.

As to expenses
in case of
divided county
jurisdiction.

14.—(1.) Where any expenses have been incurred, either by the court of county quarter sessions of any county quarter sessional area in dividing a parliamentary county into polling districts, or by the clerk of the peace of any county quarter sessional area under the Parliamentary Registration Acts, or this Act, and such expenses were incurred partly in respect of a locality which does, and partly in respect of a locality (whether a division, liberty, county or a town, or other locality) which does not, contribute to the county rate levied by the court of county quarter sessions of such county quarter sessional area, that court shall apportion the expenses between the localities in the ratio, so nearly as may be, which the number of regis-

tered voters in each locality for the time being bear to each other, and the amount apportioned to any such non-contributing locality shall be defrayed out of the county rate or rate in the nature of a county rate levied in such locality; and an order of the said court of county quarter sessions, made on the treasurer or other officer receiving such rate, shall be obeyed by and may be enforced against such treasurer, as if he were the treasurer of the court of county quarter sessions making the order.

48 Vict. c. 15,
s. 14.

(2.) Where a parliamentary borough is situate within the jurisdiction of more than one court of county quarter sessions, and by reason of there being no town council in such borough, the expenses of the town clerk under the Parliamentary Registration Acts and this Act are required to be allowed by the quarter sessions for the county in which such parliamentary borough is situate, such expenses shall be allowed by the court of county quarter sessions within the jurisdiction of which the larger portion of such parliamentary borough in area is situate.

(3.) The receipts of any clerk of the peace under the Parliamentary Registration Acts shall be applied in aid of the rate which bears the expenses of such clerk, and if there is more than one such rate, then of each rate in the proportion in which the expenses are borne by such rates.

15. From and after the passing of this Act section seventy-eight of the Act of Parliament passed in the second and third years of the reign of his Majesty King William the Fourth, chapter forty-five, shall be and the same is hereby repealed.

Universities of
Oxford and
Cambridge.

Provided that no person shall be prevented by any other Act from being registered as a parliamentary voter in respect of his occupation of any chambers or premises in any of the colleges or halls of the Universities of Oxford or Cambridge.

See this section and note, *ante*, p. 71.

16. Any person registered as a parliamentary voter in the register of voters for a parish may, by notice in writing delivered or sent to the clerk of the guardians for such parish, or for the union containing such parish, require such clerk to send to him a list giving the names and addresses, as appearing in the books of the guardians and their officers, either of all men of full age, or of all persons who have, during the period specified in the notice, received out of the rates administered by such guardians, either parochial relief or outdoor parochial relief, and at the time of receiving such relief were recorded as resident in the said parish or union, and the clerk of the guardians, on payment of fees after the rate allowed by the Parliamentary and Municipal Registration Act, 1878,* for returns by registrars of births and deaths, shall send the list with such of the said particulars as are specified in the notice, and the relieving officers of the guardians shall give the clerk

Informations
as to persons
disqualified by
parochial relief.

* p. 144.

48 Vict. c. 15,
s. 16.

*Parochial
Relief.*

* p. 111.

the information he requires for that purpose, and shall receive from the clerk a reasonable remuneration for so doing, and if any clerk or relieving officer refuses or fails to comply with this section he shall be deemed guilty of a wilful act of commission or omission within the meaning of section ninety-seven * of the Parliamentary Registration Act, 1843.

As to disqualification by parochial relief, see further s. 36 of the Act of 1832, and note, p. 25, applied to counties by s. 40 of the Act of 1867, p. 43, by which section overseers are directed, both in counties and boroughs, to omit disqualified persons from the lists of voters.

Repeal.

17. The Acts mentioned in the First Schedule to this Act shall to the extent in the third column of that Schedule mentioned be repealed without prejudice to anything done in pursuance thereof before the passing of this Act.

In addition to the enactments expressly repealed by this section, s. 8 of the Act of 1878, p. 142, and the Schedule of Forms thereby enacted, appears to be impliedly repealed by s. 18 of this Act, *infra*.

Substituted
forms, &c.

[See p 164.]

18. The forms and instructions contained in the Second and Third Schedules to this Act shall be used and observed in all cases to which they apply, and shall be substituted in all such cases for the forms, instructions, and directions contained in the schedules to the Parliamentary Registration Act, 1843, the County Voters Registration Act, 1865, the Representation of the People Act, 1867, the Parliamentary and Municipal Registration Act, 1878, and the Representation of the People Act, 1884, but a disregard of any form or instruction shall not of itself invalidate any list, notice, or other thing.

Separate forms for counties and boroughs were prescribed by various sections of the Act of 1843.

The Act of 1865, by s. 2, prescribed a new form of precept for counties, and by s. 6 a new form of objection for counties.

The Act of 1867, by s. 28, prescribed a form of Notice of Rates in Arrear to be given by overseers to voters, and by s. 30 forms of claim by lodgers, and of list of lodger claimants.

The Act of 1878 provided a new set of forms for boroughs, except in respect of freemen and of voters for the City of London.

The Act of 1884, by s. 9, subs. 3, provided a form of requisition for name of occupiers to be sent by overseers to occupiers.

The present section prescribes a new set (except as to freemen and voters in the City of London) of forms for use in counties (Schedule 2) and in boroughs (Schedule 3). The words "but a disregard of any form or instruction shall not of itself invalidate any list, notice, or other thing," when compared with the direction of s. 8 of the Act of 1878 that "the schedule of Forms A. shall be construed and have effect as if enacted in the body of this Act," may perhaps have the effect of somewhat weakening the authority of forms.

Material differences in the new from the old forms, and cases upon the old forms so far as applicable are stated in an "*Editors' Note*" to each new form.

As to obligation to deliver "supplemental precepts" under Redistribution of Seats Act, 1885, see s. 19, subs. 4, of that Act, p. 239.

As to the effect of imperfect publication of a list and of non-publication of a list, see ss. 26 and 27 of the Act of 1843, p. 86, and as to effect of misnomer, see s. 101 of that Act, p. 113.

19. In this Act, unless the context otherwise requires,—

48 Vict. c. 15.

The expression “ownership voter” means a person entitled to vote in respect of the ownership of property, whether of freehold, leasehold, or copyhold tenure.

Definitions.

“Ownership voter.”

“Fifty pounds rental voter.”

* p. 14.

The expression “fifty pounds rental voter” means a person who on the sixth day of December one thousand eight hundred and eighty-four was registered as a voter for a county in pursuance of section twenty of the Reform Act, 1832,* in respect of the occupation of any land or tenement for which he was *bond fide* liable to a yearly rent of not less than fifty pounds, and who continues by virtue of section ten of the Representation of the People Act, 1884,† to be entitled to be registered as a voter in respect of such occupation.

† p. 66.

The expression “occupation voter” means, as regards a parliamentary county, a person entitled to vote in respect of any qualification conferred by the Representation of the People Act, 1884, and as regards a parliamentary borough means a person entitled to vote in respect of any qualification conferred by section five of the Representation of the People Act, 1884, or in respect of a household qualification or a lodger qualification as defined by that Act.

“Occupation voter.”

The expression “Parliamentary Registration Acts” means the Parliamentary Registration Act, 1843,‡ and the Parliamentary and Municipal Registration Act, 1878,§ inclusive of any Acts and enactments amending the said Acts, or otherwise relating to revising barristers or to the registration of voters, and of any Acts and enactments relating to rating in so far as they are auxiliary to or deal with the registration of voters.

“Parliamentary Registration Acts.”

‡ p. 74.

§ p. 139.

The expression “parliamentary county” means a county returning a member or members to serve in Parliament, and where a county is divided for the purpose of such return means a division of such county.

“Parliamentary county.”

The expression “court of county quarter sessions” means the justices in general or quarter sessions assembled for any county at large, or riding, or parts of a county at large having a separate commission of the peace and a separate court of quarter sessions, and includes the justices in general or quarter sessions assembled for the Isle of Ely.

Quarter sessions.

The expression “county quarter sessional area” means the area of the jurisdiction as extended by this Act of any court of county quarter sessions, and includes the Isle of Ely; and save as aforesaid, for the purposes of this Act every liberty, county of a city, or county of a town which for the purposes of parliamentary elections forms part of any county at large, riding, or parts shall be deemed to be within the jurisdiction of the court of county quarter sessions and clerk of the peace of such county at large, riding, or parts.

The expression “clerk of the peace for a county quarter sessional area” means the clerk of the peace for such county at

48 Vict. c. 15. large, riding, or parts as aforesaid, and includes the clerk of the peace for the Isle of Ely.

Other expressions in this Act have, unless the context otherwise requires, the same meaning as in the Parliamentary Registration Acts.

For interpretation clause of Act of 1843, see s. 101 of that Act, p. 113.

Extent and short title of Act.

20. This Act shall not apply to Scotland or Ireland, and may be cited for all purposes as the Registration Act, 1885.

Section 17.

SCHEDULES.

FIRST SCHEDULE.

Enactments repealed.

Session and Chapter.	Title.	Part repealed.
6 Vict. c. 18 . .	The Parliamentary Registration Act, 1843.	Section forty. Schedule A.
28 & 29 Vict. c. 36.	The County Voters Registration Act, 1865.	Section four. Section five. Section twelve. Schedule A.
30 & 31 Vict. c. 102	The Representation of the People Act, 1867.	So much of section thirty as relates to persons entitled to vote for a county in respect of the occupation of premises other than lodgings.
31 & 32 Vict. c. 58.	The Parliamentary Electors Registration Act, 1868.	Section seventeen. Section nineteen.

[*Editors' Note.*] S. 40 of the Act of 1843, p. 93, relating to powers and duties of Revising Barristers, is replaced by s. 28 of the Act of 1878, p. 153, applied to counties, both as to ownership and occupation voters, by s. 1 of this Act, p. 165. Sched. A. of the Act of 1843 contained the forms for counties replaced by the forms in Sched. 2 of this Act.
Ss. 4 and 5 of the Act of 1865, p. 122, are re-enacted by s. 3 of this Act, p. 167; s. 12 of the Act of 1885 as to period of revision is replaced by s. 4, subs. 1, of this Act, p. 167.
S. 30 of the Act of 1867 as to occupation voters is apparently replaced by s. 1 of this Act.
Ss. 17 and 19 apply to occupation voters.

SECOND SCHEDULE.

INSTRUCTIONS AND FORMS FOR COUNTIES.

INSTRUCTIONS TO CLERKS OF THE PEACE.

1. Where a parish or township is wholly situate in a parliamentary borough which will at the next general election return a member or members to serve in Parliament, or in a municipal borough the whole or part of the area of which was comprised in the area of a parliamentary borough which after the dissolution of the Parliament existing in January in one thousand eight hundred and eighty-five ceases to be a parliamentary borough, the clerk of the peace will omit from his precept and the forms sent to the overseers of such parish or township such parts of the following form of precept and other forms as relate to occupation voters, that is to say, in the precept, paragraphs 3 to 8, 13, 16, 17, 18, 23 to 25, 27 to 29, 34, 37, 41, 42, and so much of paragraphs 1, 33, 38, 39, 43, 44, 45, 46, and 47 as is between asterisks, and Part II. of the forms.

In the year 1885 the clerk of the peace will omit so much of the precept as relates to the old lodgers list and the forms relating to that list.

If there is no corrupt and illegal practices list the clerk of the peace will omit from the precept and forms all parts relating to it.

2. Where a parish or township is situate partly within and partly without the boundary—

(a.) of a parliamentary borough which will at the next general election return a member or members to serve in Parliament; or

(b.) of a municipal borough, the whole or part of the area of which was comprised in the area of any such former parliamentary borough as above mentioned,

each such part of a parish is deemed to be a separate parish for the purpose of the precept and these forms, and the clerk of the peace must send to the overseers of such parish or township two precepts, as if that portion of the parish which is within the said boundary were a separate parish from the portion without the said boundary, and must inform the overseers that the lists of all the voters for each of the said portions must be made out separately, and that any reference in either precept to the parish or township means only that portion of the parish or township which is situate inside or outside the said boundary, as the case may be.

3. Where a parish or township is situate in more than one division of a county or in more than one polling district, the clerk of the peace must inform the overseers of such parish or township that the lists of voters for the portion of the parish or township within each division or polling district must be made out separately.

4. The clerk of the peace will send to the overseers of every parish or township such number of copies of the register of voters for the parish or township as are sufficient to comply with the provisions of the precept as to publication, and a copy of each of the following forms for ownership voters, namely, ownership Forms No. 2, No. 3, and No. 6; and a sufficient number of copies of the corrupt and illegal practices list, if any; and when forms relating to occupation voters are sent, a copy of each of the following forms for occupation voters, Form A., Form B., Form C., No. 1 and No. 2, Form D., No. 3, Form E., No. 1, Form K., No. 1 and No. 2, and Form L., No. 1 and No. 2.

5. Each entry for voting on the parliamentary register of every county or division is to be distinguished by a number, either alone or in combina-

**48 Vict. c. 15.
Schedule 2.**

**Instructions
and Precepts
(Counties).**

tion with a letter distinguishing the polling district in accordance with the provisions of this Act.

6. Where the name of a person is entered on any list of voters for a parish, and such person is registered by the revising barrister as entitled to vote in a polling district, other than the polling district comprising such parish, such entry shall in the register be denoted by an asterisk, and no number is to be prefixed to the name of such person in such entry.

[Editors' Note.] There were no corresponding "Instructions" to Clerks of the Peace either in the Act of 1843 or in the Act of 1878.

The precept is directed to be delivered to overseers by s. 3 of the Act of 1843, p. 75.

As to delivery of "supplemental precepts" under Redistribution of Seats Act, 1885, see s. 19, subs. 4, p. 239.

FORM No. 1.

**FORM OF PRECEPT OF THE CLERK OF THE PEACE TO
THE OVERSEERS.**

REGISTRATION OF COUNTY VOTERS.

County of } To the overseers of the poor of the parish of
to wit { [or of the township of].

IN pursuance of the provisions of the Acts of Parliament in that behalf,
I require your attention to the following instructions respecting the
registration of county voters.

Part I. of this precept informs you generally of the persons entitled to be registered as voters, and of the meaning of the expressions used in this precept, and also as to the mode in which you are to make out and publish the lists.

Part II. gives you in order of time the several matters which you are required to do.

[Editors' Note.] This form replaces Form No. 1 in Sched. A. of the Act of 1865, and is very much more lengthy and elaborate. The Form of 1865 had not been altered by the Legislature to correspond with the changes effected by the Representation of the People Act, 1867.

PART I.

GENERAL INSTRUCTIONS EXPLAINING THE PERSONS ENTITLED TO BE REGISTERED, THE MEANING OF THE EXPRESSIONS USED, AND THE MODE OF MAKING OUT AND PUBLISHING THE LISTS.

Definitions.

1. This precept relates to the registration of parliamentary voters for your county [*or division*].* There are two classes of persons entitled to be registered : first, ownership voters ; and, secondly, occupation voters.*

2. In this precept—

(a.) The expression "ownership voters" means persons entitled to be registered as voters in respect of an ownership qualification; that is to say, of the ownership of property, whether of freehold, leasehold, or copyhold tenure, and does not include fifty pounds rental voters.

Ownership voters.

(b.) The expression "ownership portion of the register" means the portion of the register of voters which contains the names of persons entitled to vote in respect of an ownership qualification in your parish [or township].

48 Vict. c. 15.

Schedule 2.

(c.) The expression "list of ownership claimants" means the list to be made by you of persons who, on or before the twentieth day of July next shall have claimed to vote in respect of an ownership qualification in your parish [or township].

3. In this precept the expression "occupation voters" means persons entitled to be registered as voters in respect of,—

Occupation voters.

(a.) a fifty pounds rental qualification as hereafter defined in paragraph 5 of this precept;

(b.) a ten pounds occupation qualification as hereafter defined in paragraph 6 of this precept; or

(c.) a household qualification as hereafter defined in paragraph 7 of this precept; or

(d.) a lodger qualification as hereafter defined in paragraph 8 of this precept.

4. Every person entitled to be registered as an ownership voter or an occupation voter must be a man of full age and not subject to any legal incapacity, and must not at any time during the twelve months immediately preceding the fifteenth day of July next have received any parochial relief.

General qualification.

5. A person entitled to be registered as a voter in respect of a fifty pounds rental qualification—

Fifty pounds rental qualification.

(a.) must on the fifteenth day of July next be an occupier as tenant of some land or tenement for which he is *bonâ fide* liable to a yearly rent of not less than fifty pounds; and

(b.) must have occupied such land or tenement for the whole of the twelve months immediately preceding the fifteenth day of July next; and

(c.) must have been registered as a voter in respect of the said occupation in the register of voters in force during the year one thousand eight hundred and eighty-four.

If two or more persons jointly are such occupiers as above mentioned, and the rent is such as to give fifty pounds or more for each occupier, each such occupier, if he was registered in respect of the said occupation as aforesaid in the year one thousand eight hundred and eighty-four, is entitled to be registered as a voter.

6. A person entitled to be registered as a voter in respect of a ten pounds occupation qualification—

Ten pounds occupation qualification.

(a.) must on the fifteenth day of July next be, and during the whole twelve months immediately preceding that day have been, an occupier, as owner or tenant, of some land or tenement in your parish [or township] of the clear yearly value of not less than ten pounds; and

(b.) such person, or some one else, must during those twelve months have been rated to all poor rates made in respect of such land or tenement; and

(c.) all sums due in respect of the said land or tenement on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January last must have been paid on or before the twentieth day of July next.

If two or more persons, jointly, are such occupiers as above mentioned, and the clear yearly value of the land or tenement is such as to give ten pounds or more for each occupier, two of such occupiers are entitled to be

48 Vct. c. 15.
Schedule 2.

Precept
(*Counties*).

registered as voters; but no more are so entitled (unless they derived the property by descent, succession, marriage, marriage settlement, or devise, or) unless they are *bonâ fide* engaged as partners carrying on trade or business thereon, in any of which cases all may be registered, if the clear yearly value is sufficient to give ten pounds for each occupier.

If a person has occupied different lands or tenements in your division [*or county*] of the requisite value in immediate succession during the said twelve months he is entitled in respect of the occupation thereof to be registered as a voter in the parish [*or township*] in which the last occupied land or tenement is situate.

7. A person entitled to be registered as a voter in respect of a household qualification—

Household
qualification.

(a.) must on the fifteenth day of July next be, and for the whole twelve months immediately preceding that day (except the time (if any) not exceeding four months during which he has permitted the house to be occupied as a furnished house), have been, an inhabitant occupier of some dwelling-house in your parish [*or township*], or of some part of a house separately occupied as a dwelling; and

(b.) such person or some one else must during those twelve months have been rated to all poor rates made in respect of the said dwelling-house; and

(c.) all sums due in respect of the said dwelling-house on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January last must have been paid on or before the twentieth day of July next.

If two or more persons are joint occupiers of a dwelling-house no one of them is entitled to be registered as a voter in respect of a household qualification in respect thereof, though if the value is sufficient, one or more of them may be entitled under paragraph 6 above.

If a person has occupied different dwelling-houses in your division [*or county*] in immediate succession during the said twelve months he is entitled in respect of the occupation thereof to be registered as a voter in the parish [*or township*] in which the last occupied dwelling-house is situate.

If a person inhabits a dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he is to be considered as an inhabitant occupier of that dwelling-house.

8. A person entitled to be registered as a voter in respect of a lodger qualification—

Lodgers
qualification.

(a.) must have claimed to be registered; and

(b.) must have occupied separately as a lodger for the whole twelve months immediately preceding the fifteenth day of July next, lodgings, being part of one and the same dwelling-house in your parish [*or township*], and being of a clear yearly value, if let unfurnished, of ten pounds or upwards; and

(c.) must have resided in such lodgings during the said twelve months.

If two or more persons are joint lodgers, and the value of the lodgings is such as to give ten pounds or more for each lodger, two of such persons but no more are entitled to be registered as voters.

If a person has occupied different lodgings of the requisite value in the same house in immediate succession, he is entitled to be registered as a voter in respect of the occupation thereof.

48 Vict. c. 15.

Schedule 2.

Mode of making out Lists.

9. Each list must be made out in alphabetical order.

10. In making out the list of voters you are to state the surname and other name or names of each person at full length, the surname being placed first.

11. In making out the list of claimants the surname and other names of every claimant, with the place of his abode, the nature of his qualification, and either the locality or other description of the qualifying property, or the name of the occupying tenant, must be entered in the list according as the same is stated in the claim.

12. In every list the place of abode should be entered with the name (if any) of the street, lane, or other locality, and the number (if any) in such street, lane, or other locality, and such entry should be made in all cases in such a manner as will afford a full and sufficient address for a person entered, if a letter is addressed to him by post.

13. In the case of occupation voters the nature of the qualification should be entered as nearly as possible in the words of the statute conferring the franchise, for instance:—

(a.) The nature of the fifty pounds rental qualification or ten pounds occupation qualification of a person should be stated thus, "tenement" or "land," or "land and tenement," or, in the case of a joint occupation, "tenement (joint)" or "land (joint)," or, in the case of successive occupation, "tenement (successive)" or "land (successive)":

(b.) The nature of a household qualification should be stated thus, "dwelling-house," or in the case of successive occupation, "dwelling-house (successive)."

Where the same property constitutes both a ten pounds occupation qualification and a household qualification the nature of the qualification should be entered as "dwelling-house."

If the description indicates the nature of the qualification, as, for instance, if a ten pounds occupation qualification consists of a house and is entered as a dwelling-house, such description will be sufficient.

Any description of the nature of the qualification further than that above mentioned is superfluous and should not be given.

14. The description of any qualifying property should specify the name and situation of that property, and for that purpose should state either the name (if any) of the street, lane, or other locality, and the number (if any) in such street, lane, or other locality, or the name of the occupying tenant; and the description of the qualifying property should in all cases be such as will afford full and sufficient means of identifying such property.

15. Where several qualifications are possessed by the same person, the particulars respecting each qualification should be stated in the list.

16. You should omit from the occupiers list (mentioned in paragraph thirty-four, sub-paragraph (a), of this precept) the name of any person—

(a.) whom from the returns furnished by the registrar of births and deaths or from your own knowledge you know to be dead; or

(b.) who is not qualified by reason of the nonpayment of rates; or

(c.) who is disqualified by reason of having received parochial relief; or

†(d.) whose name is entered in the corrupt and illegal practices list.†

17. In making out the old lodgers list (mentioned in paragraph thirty-

Alphabetical order.

Entry of names, &c.

Entry of nature of qualification.

Entry of qualifying property.

Several qualifications.

Omissions of dead and disqualified.

† Omit (d.) where there is no corrupt and illegal practices list.

Registrars returns.

48 Vict. c. 15.
Schedule 2.

four, sub-paragraph (b), of this precept), if you have reason to believe that any person whose name is entered on that list is dead, or is not entitled to be registered, you should make a note to that effect in the margin of the list.

Objections in
old lodgers list.

18. The registrars of births and deaths are required to send to you periodically returns of the names and residences of all male persons of full age dying within your parish [or township], and you must examine those returns to see whether any person who otherwise would appear in the list of voters is dead, and you are to pay the registrar, as part of your expenses connected with registration, a fee of twopence for each return, and a further fee of twopence for every death entered in such returns.

Publication and Inspection.

Publication of
lists, &c.

19. The manner in which you are required to publish the ownership portion of the register and the lists, notices, and documents, directed by this precept to be published is as follows; (that is to say,) you are to fix a copy thereof (each copy being first signed by you)—

- (a.) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [or township], including chapels which do not belong to the Established Church; or
- (b.) if there is no such church or chapel, then in some public or conspicuous situation in your parish [or township]; and
- (c.) if your parish [or township] is wholly or partly situate in an urban sanitary district and not in a parliamentary borough, then in or near every public or municipal or parochial office in your parish [or township], and (having first obtained the authority of the local postmaster, or if he refuses, of the Postmaster-General,) in some public and conspicuous position in or near every post office and telegraph office occupied by or on behalf of the Postmaster-General.

20. Everything so published must remain there during a period including two consecutive Sundays at least next after the first day of publication, and if you find any portion of a register, list, notice, or other document published by you in pursuance of this precept to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same effect in its place.

Inspection and
delivery of
copies.

21. Where this precept directs you during any period to allow any copy of a portion of a register, list, notice, or other document to be open to public inspection, and to deliver copies thereof, you will permit such copy, list, notice, or document to be perused by every person desirous of perusing it, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the said period, without payment or demand of any fee; and you are also to deliver a written or printed copy of it, signed by you, to every person applying for the same during the said period, on payment of a price for such copy after the following rate:—

For any list or copy of a list containing any number of persons' names—

	s.	d.
Not exceeding 100 names	0	6
Exceeding 100 and not exceeding 200	1	0
Exceeding 200 and not exceeding 300	1	6
Exceeding 300 and not exceeding 400	2	0
Exceeding 400	2	6

22. You must allow any person who is registered as a parliamentary voter for your division [*or county*] to inspect at all reasonable times, free of charge,—

48 Vict. c. 15.

Schedule 2.

- (a) the books containing the poor rates made for your parish [*or township*] within the last two years, and to make a copy of or take an extract from such books; and
- (b) the returns of deaths sent to you by the registrars of births and deaths.

PART II.

THINGS TO BE DONE IN ORDER OF DATE.

Notices and Inquiries.

23. In the months of April and May, or one of them, you are to inquire or ascertain with respect to all property in your parish [*or township*] which comprises any dwelling-house (including under the term any part of a house separately occupied as a dwelling), whether any man, other than the owner or other person rated or liable to be rated in respect of such property is entitled to be registered as a voter in respect of a household qualification by reason of his being an inhabitant occupier of such dwelling-house, and you are to enter in the rate book in a separate column, added for the purpose, the name of every man so entitled and the situation or description of the dwelling-house in respect of which he is entitled.

April and May.

In 1885 paragraphs 23–25 may be omitted.

If any property, whether by reason of belonging to the Crown or otherwise, is not rated, you must act under this paragraph in the same manner as if it were rated.

24. For the purpose of your inquiry you are at liberty to serve on any person who is the occupier or rated or liable to be rated in respect of any property, or on some agent of such person concerned in the management of such property, a requisition according to the form marked A. among the forms sent herewith. You may serve the requisition by giving it to the person by whom it is to be observed, or by leaving it at his last or usual place of abode or with some person on the property, and in case no such person can be found, then by affixing the requisition in some conspicuous part of the property; and where the property is occupied by a company or other body of persons you may serve the requisition on the secretary or agent of the company or body of persons; and if the property belongs to the Crown or is not rated, you may serve it on the chief local officer having the superintendence or control of the property. A person who fails to comply with the requisition is liable, on summary conviction, to a fine of forty shillings.

25. In making the inquiries directed by the last two paragraphs you will observe the following directions:—

- (a) if you know that any man who is not rated has occupied a dwelling-house since the fifteenth day of July last, you should enter the name of that man in the rate book, as mentioned in paragraph twenty-three of this precept, without serving any requisition on the occupier or other person rated.
- (b) you should not serve the requisition on the occupier or owner of any property unless you have reasonable ground to believe that there is some inhabitant occupier of such property, who is entitled to vote, besides the person on whom the requisition is served.

26. On or before the twentieth day of June next you are to publish in 20th June.

48 Vict. c. 15.
Schedule 2.

Precept
(*Counties*).

20th June.

20th June.

22nd July.

25th July.

31st July.

manner directed by paragraph 19 of this precept the ownership portion (but not any other portion) of the register for your parish [*or township*] a copy of which is sent herewith, together with a notice, signed by you, according to the form marked No. 2, among the printed forms sent herewith, but such copy and notice are not to remain published after the twenty-fifth day of July next.

27. On or before the twentieth day of June next you are to publish, in manner directed by paragraph 19 of this precept, a notice signed by you according to the form marked B. among the printed forms sent herewith.

28. Where any sum on account of a poor rate made and allowed during the twelve months next before the fifth day of January last is on the first day of June next due in respect of any property in your parish [*or township*] capable of conferring the franchise for the said county in respect of a ten pounds occupation or household qualification, you are, on or before the twentieth day of June next, to give to every occupier of that property a notice (in the Form (C.) No. 1 sent herewith), by delivering it to such occupier, or leaving it at his last or usual place of abode, or with some person on the property in respect of which the rate is payable, and in case no such person can be found, then by affixing the notice upon some conspicuous part of such property.

You need not give this notice if the rate has been previously duly demanded of such occupier by a demand note served in the like manner as the last-mentioned notice, but you must serve the notice on every occupier of that property who will, if the rate is paid, be entitled to be registered as a voter in respect of the occupation thereof.

29. If the sum due on account of poor rate as above mentioned in respect of any property is not paid on or before the twentieth day of July next, all occupiers of that property are disqualified from being entered in any list of occupation voters; and on or before the twenty-second day of July next you are to make out (in the Form (C.) No. 2 sent herewith) a list containing the name of every person so disqualified; and you are to keep that list and, during the first fourteen days after the said twenty-second day of July, are to allow it to be open to public inspection, and to deliver copies thereof in accordance with paragraph 21 of this precept.

30. On or before the twenty-fifth day of July next you will remove the copy of the register published as directed by paragraph 26 of this precept.

31. On or before the last day of July next you are to ascertain from the relieving officer acting for your parish [*or township*] the names of all persons who are disqualified from being inserted in the lists of voters for your parish [*or township*], by reason of having received parochial relief, and the relieving officer upon your application is bound to produce to you at such place in your parish [*or township*] and at such times as are required by you the books in his possession, containing the names of such persons.

Lists of Voters.

31st July.

32. On or before the last day of July next you are to make out, in manner directed by paragraphs 9 to 15 of this precept, the list of ownership claimants, that is to say, a list (in the Form No. 3 sent herewith) of all persons who, on or before the twentieth day of July next, have delivered or sent to you or any one of you their claims to be registered as county voters in respect of an ownership qualification, situate wholly or in part within your parish [*or township*].

31st July.

33. On or before the last day of July next you are to add on the margin of one copy of the ownership portion of the register for your parish

48 Vict. c. 15.

*Claims and Objections.*Schedule 2.
25th August.

40. On or before the twenty-fifth day of August next you are to make out (in accordance with paragraphs 9 to 15 of this precept, and according to the Form No. 6 sent herewith) a list of ownership voters objected to, that is to say, a list containing the name of every person whose name is entered in the ownership portion of the register or list of ownership claimants, against whom a notice of objection has been given to you, or any one of you, on or before the 20th day of August next.

25th August.

41. On or before the twenty-fifth day of August next you are also to make out (in accordance with paragraphs 9 to 17 of this precept and according to the Form L. sent herewith) occupiers and lodgers objection lists, that is to say, lists containing the name of every person against whom a notice of objection has been given to you, or any one of you, on or before the twentieth day of August next, as not being entitled to have his name retained in the occupiers list or old lodgers list for your parish [or township], giving in separate lists the objections made to—

- (a.) any person on the occupiers list; and
- (b.) any person on the old lodgers list.

25th August.

42. On or before the twenty-fifth day of August next you are to make out (in accordance with paragraphs 9 to 17 of this precept and according to the Form K. sent herewith) occupiers and lodgers claim lists, that is to say, lists containing the name of every person who has given or caused to be given to you, or any one of you, on or before the twentieth day of August next, notice of his claim to be registered in any list of voters for your parish [or township] in respect of a fifty pounds rental, ten pounds occupation, household, or lodger qualification, making separate lists of—

- (a.) persons claiming to be registered in the occupiers list; and
- (b.) persons claiming to be registered as lodgers but not comprised in the old lodgers list.

25th August.

43. On or before the twenty-fifth day of August next you are to sign and publish in the manner directed by paragraph 19 of this precept a copy of the list made by you in pursuance of paragraph 40 of this precept,* and of every list made by you in pursuance of paragraphs 41 and 42 of this precept.*

44. You are to keep a copy of* each* such list signed by you, and during the fourteen days next after the twenty-fifth day of August next are to allow the same, and also the original notices of claims and objections, to be open to public inspection, and to deliver copies thereof, in accordance with paragraph 21 of this precept.

25th August.

45. On or before the twenty-fifth day of August next you are to deliver to me—

- (a.) the list of ownership claimants signed by you;
- (b.) the copy of the ownership portion of the register (sent herewith) with your marginal additions signed by you;
- (c.) a copy of the list of ownership voters objected to, signed by you;
- (d.)* two copies of the occupiers and old lodgers lists; and
- (e.) a copy of each of the occupiers and lodgers claim and objection lists so made out and signed by you as aforesaid.*

Omit this paragraph if there is no corrupt or illegal practices list.

46. You are also to make lists of persons claiming to be omitted from the corrupt and illegal practices list (sent herewith), and of persons objected to on the ground that they are omitted from the corrupt and illegal practices list, and you will deal with such lists, claims, and objections in the same manner in all respects—

- (a.) if the person is on the ownership portion of the register, or on the list of ownership claimants, as is directed by paragraphs 32, 33,

40, 43, 44, and 45 of this precept, respecting claims and objections in relation to an ownership qualification* ; and 48 Vict. c. 15.

(b.) in any other case as is directed by paragraphs 41 to 45 of this precept respecting claims and objections in relation to the lists of occupation voters,* Schedule 2.

but any list made under this paragraph must be kept separate from any other list.

Attendance upon Revising Barrister.

47. You are to attend the court to be holden by the revising barrister for the revision of the lists of voters for your parish [or township]; and notice will be sent you of the time and place of holding such court. September.

You are, at such court, to deliver to the revising barrister holding it the following documents,—

(a.) all the original notices of claims and objections received by you ;

(b.)* the occupiers and old lodgers lists ;

(c.) the occupiers and lodgers claim and objection lists made out and signed by you ; and*

(d.) all notices of the withdrawal or revival of objections received by you,

and you are there to produce the rate books of your parish [or township] containing the poor rates made and allowed during the period between the 5th day of January in last year and the 15th day of July next.

If you fail to comply with this precept you will be liable to the penalties in that case provided.

Given under my hand this day of

(Signed) A.B.

Clerk of the peace for the county of

GENERAL FORMS.

PART I.

FORMS FOR OWNERSHIP VOTERS.

Note.—The following forms No. 2 to No. 7 refer only to ownership voters.

FORM No. 2.

NOTICE AS TO OWNERSHIP CLAIMS to be given by the OVERSEERS.

WE hereby give notice, that all persons entitled to be registered as parliamentary voters for the [division of the] county of in respect of the ownership (whether freehold, copyhold, or leasehold) of any property situate wholly or in part within this parish [or township], who are not upon the register of voters now in force, or who, being upon the register, do not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register of voters about to be made for the said county [or division], are hereby required to give or send to us or any of us, on or before the twentieth day of July in this year, a notice in writing signed by them, in which their name and

*Forms for
Counties.
(Ownership
Voters).*

48 Vict. c. 15.
Schedule 2.

*Forms for
Counties
(Ownership
Voters).*

surname at full length, their place of abode, and the particulars of their qualification, must be legibly written, according to the form hereunder set forth.

Any person who is upon the present register in respect of such ownership of property as above mentioned may also make his claim, if he thinks fit; but it is not necessary that he should do so if he has the same qualification and place of abode now described in the register.

Dated this day of June in the year
(Signed) A.B. } Overseers of the parish
 C.D. } [or township] of

[*Editors' Note.*] This form is substituted by s. 18 of this Act for the notice to claim in Form No. 2 in Schedule A. of Act of 1843, prescribed by s. 4 of that Act, p. 76. The new form varies from the old one in applying to ownership voters (for meaning of which term, see s. 19 of this Act, p. 177) only.

FORM of NOTICE OF CLAIM to be given to OVERSEERS by CLAIMANTS
in respect of OWNERSHIP.

To the overseers of the parish [or township] of
I hereby give you notice, that I claim to be inserted in the list of
parliamentary voters for the [division of the] county of
and that the particulars of my place of abode and qualifi-
cation are stated in the columns below.

Dated the day of in the year
(Signed) G.H.

Name of the Claimant at full Length, the Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

Note.—The description should specify the street, lane, or other like place in the parish [or township] (if any), and number of house (if any), where the property is situate, or name of the property, if known by any, or name of the occupying tenant; or if the qualification consists of a tithe rentcharge, of the name of the rectory, vicarage, chapelry, or benefice to which the rentcharge belongs, and if it consists of any other rentcharge, then the names of the owners of the property out of which such rent is issuing, or some of them, and the situation of the property, and a statement of the registration of the claimant in respect of such rentcharge in the register in force in the year 1884.

[*Editors' Note.*] This form is substituted by s. 18 of this Act for the notice of claim in Form No. 2, in Schedule A. of the Act of 1843, prescribed by s. 4 of that Act, p. 76, which form it varies by applying to ownership voters only. The note at the foot of the form replaces a direction at the top of the fourth column in the old form, varying therefrom by requiring, in

**48 Vict. c. 15.
Schedule 2.**

**Forms for
Counties
(Ownership
Voters).**

**Forms for
Counties
(Ownership
Voters).**

Nature of qualification.] This heading means that the party should state whether he claims in respect of freehold, copyhold, leasehold, or £50 occupation, describing his qualification so that a man of ordinary sense would not be misled. See per Williams, J., in *Howett v. Stephens*, 28 L. J. C. P. 105, in which “£50 occupier” was held a sufficient description: *Jones v. Jones*, L. R. 4 C. P. 422. It is not necessary to state the fact of a successive: *Hitchins v. Brown*, 2 C. B. 25, or joint: *Daniel v. Camplin*, 7 M. & G. 167, occupation in the third column, but a description of all successive occupations should be given in the fourth: *Bartlett v. Gibbs*, 5 M. & G. 81; but an omission to give such a description could probably be supplied by the revising barrister under s. 28 of the Act of 1878, p. 153.

FORM OF LIST OF OWNERSHIP CLAIMANTS.

County of _____ to wit } The list of persons claiming to be entitled to be
 _____ } registered as parliamentary voters for the [_____
 _____ } division of the] county of _____,
 in respect of the ownership of property situate in whole or in part within
 the parish [or township] of _____.

Margin for entering Overseers Objections.	Name of each Voter at full Length, the Sur-name being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) *A.B.* } Overseers of the said
C.D. } parish [or township].

Note.—In this form the particulars are to be copied from the claim sent in.

Overseers must insert in the foregoing list the name of the Parliamentary Division in which their parish is situate.

[Editors' Note.] This form is substituted by s. 18 of this Act for Form No. 3 in Schedule A. to the Act of 1843, prescribed by s. 5 of that Act, p. 76, from which section the first direction in the note is taken, the second direction being new, and a direction at the head of the fourth column being omitted.

FORM No. 4.

**Forms for
Counties
(Ownership
Voters).**

To the overseers of the parish [or township] of _____
 I hereby give you notice that I object to the name of the person
 mentioned and described below being retained in the list of ownership
 voters for the [_____ division of the] county of _____.

Name of the Voter objected to as described in the Register or List of Ownership Claimants.	Place of Abode as described.	Nature of Qualification as described.	Description of Qualifying Property as given in the Register or List of Owner- ship Claimants.

Dated the day of in the year
(Signed) A.B.
[Place of Abode.]

[Editors' Note.] This form is substituted by s. 18 of this Act for Form No. 4 in Schedule A. of the Act of 1843, prescribed by s. 7 of that Act, p. 77, and except that it applies to ownership voters only, does not materially differ therefrom.

Dated.] The notice need not be dated the day of signature; it is enough if it be dated some day within time: *Jones v. Jones*, L. R. 1 C. P. 140. A notice omitting a part of the date, as leaving the year blank, is bad: *Beenlen v. Hockin*, 4 C. B. 19; and the omission cannot be amended, or cured by publication on the part of the overseers: *Freeman v. Newman*, 12 Q. B. D. 373; 53 L. J. Q. B. 108; 51 L. T. 396; 32 W. R. 246; 1 Colt. 342.

Signed.] See note to Form No. 5, *infra*.

Place of abode.] The true place of abode is the proper one to give, though different from that on the register: *Melbourne v. Greenfield*, 7 C. B. (N.S.); *Knowles v. Brooking*, 2 C. B. 226. Any of more than one may be given: *Courtis v. Blight*, 31 L. J. C. P. 48; the question of sufficiency of description being one of fact for the revising barrister: *Jones v. Pritchard*, L. R. 4 C. P. 414; to be decided after hearing evidence if necessary, *ib.*

FORM No. 5.

Form (a).

NOTICE of OBJECTION to be given to Persons whose Names are in the Ownership portion of the Register when objected to by any Person other than Overseers, and to the occupying Tenant of the qualifying Property, where notice is required to be given to the occupying Tenant.

To Mr. _____ of _____ [here insert the name and place
of abode of the person objected to as described in the register, and in the

case of notice to the tenant of the qualifying property insert his name and place of abode as described in the register]. 48 Vict. c. 15.

Take notice that I object to your name [in the notice to the tenant instead of the words "your name," insert the name of the person objected to] being retained in the [here insert the name of the parish or township] list of ownership voters for the [division of the] county of

Schedule 2.

And I ground my objection,
on the 1st column of the register,
or on the 2nd column,
or on the 3rd column,

and the objection relates

to the nature of your interest [in the notice to the tenant instead of the words "your interest," insert "the interest of," here insert the name of the person objected to,] in the qualifying property;

or to the value of the qualifying property
or on the 4th column.

Dated this day of one thousand
eight hundred and

Signed A.B. of [place of abode],
on the register [or list]
of voters for the parish [or township]
of

[Editors' Note.] This form is substituted by s. 18 of this Act for Form in Schedule A. of the Act of 1865, prescribed by s. 6 of that Act.

An objection on the ground that the qualifying property being in a borough qualified for the borough and therefore disqualified for the county (see s. 24 of Reform Act, 1832, p. 15) is sufficient if it is stated to be grounded on the third column of the register, and to relate to the nature of the interest in the qualifying property: *Simey v. Dixon*, L. R. 7 C. P. 190.

A signature illegible without aid from the register was held sufficient in *Trotter v. Walker*, 32 L. J. C. P. 60.

Form (b).

NOTICE of OBJECTION to be given to Persons whose names are on the list of ownership claimants objected to by any Person other than Overseers, and to the occupying Tenant of the qualifying Property, where notice is required to be given to the occupying Tenant.

To Mr. of [here insert the name and place of abode of the person objected to as described in the list, and in the case of notice to the tenant of the qualifying property insert his name and place of abode as described in the list].

Take notice that I object to your name [in the notice to the tenant instead of the words "your name," insert the name of the person objected to] being retained in the [here insert the name of the parish or township] list of ownership voters for the [division of the] county of

Dated this day of one thousand
eight hundred and

(Signed) A.B. of [place of abode],
on the register [or list]
of voters for the parish [or township]
of

[Editors' Note.] Substituted for Form No. 5 in Act of 1843.

48 Vict. c. 15.
Schedule 2.

*Forms for
Counties (Own-
ership Voters).*

FORM No. 6.

LIST of PERSONS objected to as OWNERSHIP VOTERS to be published by
the OVERSEERS.

The following persons have been objected to as not being entitled to have
their names retained in the [name of parish or township] list of
ownership voters for the [division of the] county
of .

Name of each Person objected to at full Length, the Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of qualifying Property as given in the Register or List of Owner- ship Claimants.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Note.—In this form copy particulars from Register of Voters or owner-
ship list of claimants.

[*Editors' Note.*] Substituted for Form No. 6 in Act of 1843, prescribed
by s. 8 of that Act, p. 78.

FORM No. 7.

FORM OF DECLARATION by VOTER as to his Place of Abode.

I, A. B., of [place of abode] on the list of ownership voters for the
parish [or township] of , in the [division of
the] county of , do solemnly and sincerely declare that I
possessed on the last day of June now last past the same qualification in
respect of which my name has been inserted in such list, and that my
true place of abode is now

(Signed) A.B.
[Place of abode.]

Made and subscribed before me, the { C. D.
day of in the { [Signature of justice, &c.]
year . { [Statement of his quality as
justice, &c.]

[*Editors' Note.*] Substituted for Form in Schedule B. of Act of 1865,
prescribed by s. 10 of that Act, p. 123. "Last day of June" is substituted
for "last day of July."

PART II.

FORMS FOR OCCUPATION VOTERS.

Note.—The following forms (A.) to (O.) refer only to occupation voters.

FORM (A.)

**This form
should be
omitted in
1885.**

**FORM of REQUISITION by OVERSEERS requiring NAMES of
INHABITANT OCCUPIERS.**

To *E.F.*

You are hereby required to fill up accurately the under-written form.

If this form is not returned to us [or me], accurately filled up, within twenty-one days after the service hereof, you will be liable, under the Representation of the People Act, 1884, to a penalty not exceeding forty shillings.

Dated this day of 18 .
 A.B.
 C.D.

Overseers [or assistant overseer] for the parish [or township] of

Form of Return.

1. Property in respect of which the Person making the Return is rated [<i>or</i> liable to be rated, <i>or</i> Occupier].	2. Situation or Description of every Dwelling-house, as defined by the Repre- sentation of the People Acts, forming part of the Property in the First Column.	3. Surname and other Name of every Man who was on the fifteenth day of July last, and has been up to the date of the Return, an Inhabitant Occupier of any Dwelling-house in the Second Column.

I declare that the above is a true and complete return.

(Signed) *E.F.*

Dated the **day of** **18** .

Note.—The description of the property in the first column should be a copy from the rate book, and should be filled in by the overseers, and if it is a house numbered in a street should specify the street and number.

Such of the following instructions as are suitable should be annexed to the form, with such alterations (if any) as the overseers think necessary for adapting them to the circumstances of the parish or of the property to which the notice refers.

48 Vict. c. 15.
Schedule 2.

*Forms for
Counties (Occu-
pation Voters).*

INSTRUCTIONS for filling up a FORM.

Instructions where Property consists of several Buildings ; for instance, Cottages let by the Owner.

In the second column insert "cottage in Lane," or otherwise describe its locality.

In the third column insert, opposite to the description of the cottage in the second column, the name of the man who now inhabits it, and has inhabited it since the fifteenth day of July last.

If it has not been so inhabited state so, or omit the cottage from the second column.

The head of the family alone is considered to be the occupier.

Instructions in case of what is commonly called the Service Franchise.

The dwelling-house in the second column may be either—

- (a.) A separate house—for example, a schoolmaster's house ; or
- (b.) A part of a dwelling-house separately occupied as a dwelling—for example, a room or rooms over a stable, or caretaker's rooms in an office.

If it is a separate house, insert in the second column, "house in Road," or otherwise describe its locality.

If it is a part of a dwelling-house, insert in the second column "rooms over stable," "basement of office," "rooms over shop," or otherwise specify the locality of the room or rooms.

In the third column insert, opposite to the description of the dwelling-house in the second column, the name of the man who now inhabits it, and has inhabited it since the fifteenth day of July last.

If it has not been so inhabited state so, or omit the dwelling-house from the second column.

In filling up the return it must be recollected that, under the Representation of the People Acts,—

- (a.) In the case of a man who inhabits by reason of any office, service, or employment, if the same house is inhabited by any person under whom such man serves in his office, service, or employment, such man is not considered a separate inhabitant occupier ; for example, a butler occupying rooms in his master's house is not such an occupier, although, if he occupied rooms over a detached building, such as a laundry, he might be such an occupier ;
- (b.) The head of the family alone is considered to be the occupier.

Instructions in the case of a House let in separate Tenements.

The dwelling-house in the second column may be any room or rooms in the house which are separately occupied as a dwelling.

Insert in the second column the position of the room or rooms occupied ; for example, "first floor, front room."

In the third column insert, opposite to the description of the room or rooms in the second column, the name of the man who now inhabits it or them, and has so inhabited since the fifteenth day of July last.

If any room or rooms have not been so inhabited state so, or omit the room or rooms from the second column.

In filling up the return it must be recollected that, under the Representation of the People Acts,—

(a.) A man who occupies separately any room or rooms in a house must be entered, although he is entitled to the joint use of some other part of the house; for example, a man occupying separately the first floor front rooms, and having joint use of a wash-house, must be entered:

48 Vict. c. 15.

Schedule 2.

(b.) The head of the family alone is considered to be the occupier.

If the landlord of a house let out in separate tenements lives in the house, he must not return the names of the occupiers of tenements in that house.

[*Editors' Note.*] This Form of Requisition replaces the form in Schedule 3 of the Representation of the People Act, 1884, p. 70, prescribed by s. 9 of that Act, the note at the foot of the form and the elaborate "Instructions" being wholly new. This form (see note in the margin) is not intended to be sent in 1885.

FORM (B.)

NOTICE as to RATES to be published by the OVERSEERS.

[division of the] county of { We hereby give notice that
to wit. { no person will be entitled
on any list of parliamentary voters for the said division [or county], now about to be made in respect of the occupation as a ten pounds occupier or inhabitant occupier of any premises situate wholly or partly within this parish [or township], unless all sums which have become due in respect of those premises on account of any poor rate made and allowed during the twelve calendar months next preceding the fifth day of January last past have been duly paid on or before the twentieth day of July next.

Dated the day of June 18 .

(Signed) A.B. } Overseers of the parish [or township]
 C.D. } of

[*Editors' Note.*] This and the two next forms adapt to counties (for which they were not prior to this Act prescribed) the forms in *pari materia* for boroughs.

FORM (C.)

No. 1.

NOTICE as to RATES to be SERVED by OVERSEERS.

To A.B.

[division of the] county of
Take notice that you will not be entitled to have your name inserted in the list of parliamentary voters for the said division [or county] now about to be made in respect of the occupation as a ten pounds occupier or inhabitant occupier of the premises in your occupation in [street or place], unless on or before the twentieth day of July next all sums due in respect of those premises on account of any poor rate made and allowed during the twelve calendar months next preceding the fifth day of January last, amounting to £ are duly paid.

Dated the day of June 18

(Signed) C.D. } Overseers.
 E.F. }

of the parish [or township] of

48 Vict. c. 15.
Schedule 2.

No. 2.

FORM of LIST of NAMES of PERSONS

*Forms for
Counties (Occu-
pation Voters).*

Disqualified for being registered in respect of a ten pounds occupation or household qualification by nonpayment of the rates due in respect of the premises named herein.

Names of Persons in Full, Surname being first.	Place of Abode.	Premises.	Person actually rated in respect of Premises.

FORM (D.)

No. 3.—OLD LODGERS LIST.

In 1885
Form D. No. 3
does not apply
and should
not be sent.

The persons who being on the register of parliamentary voters now in force for the [division of the] county of in respect of residence in lodgings within the parish [or township] of claim, in respect of residence in the same lodgings, to have their names inserted in the list of parliamentary voters for the said [division or] county.

Names of Claimants in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number, if any, of House in which Lodgings are situate.	Name and Address of Landlord or other Person to whom Rent is paid.	Margin for Objections by Overseers.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of

[Editors' Note.] This form applies only to lodgers appearing by virtue of the Act of 1884 for the first time on the register in 1885, and therefore does not apply in 1885.

FORM (E.)

48 Vict. c. 15.

FORM OF OCCUPIERS LIST.

Schedule 2.

List of the persons entitled to be registered as parliamentary voters for the [division of the] county of in respect of the inhabitant occupation of a dwelling-house, or of the occupation of any land or tenement of a clear yearly value of ten pounds, or of any right reserved by section ten of the Representation of the People Act, 1884, when such dwelling-house, land, or tenement is situate wholly or partly within this parish [or township].

N.B.—This list (No. 1) does not contain the names of any parliamentary voters except those entitled in respect of a household or £10 occupation qualification, or of £50 rental qualification reserved by section 10 of the Representation of the People Act, 1884.

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.
Brown, Thomas	<i>Give address of voter as directed in paragraph 12 of this precept.</i>	Dwelling-house.	Elm Villa, Green Lane.
Hodge, John .		Dwelling-house.	Cottage in Lewes Road [or Green Lane, or on Church Farm, or as case may be].
Jackson, William		Land and tenement.	Horton Farm.
Masters, Abel .		Land and tenement (joint).	2 Queen Street.
South, William.		Dwelling - house (successive).	Oak Villa, Green Lane, 5 Queen Street.

(Signed) A.B. } Overseers of the parish [or
 C.D. } township] of

NOTE.—Any person registered in respect of a fifty pounds rental qualification must be included in the foregoing list.

[*Editors' Note.*] This and the remaining forms of Schedule 2 are new in counties. The Act of 1843 did not provide separate forms for occupation voters in counties, those voters not being mostly called into existence until 1867, neither did the Representation of the People Act, 1867, provide any separate forms for them.

Mutatis mutandis, this and the remaining forms resemble those of Schedule 3 in *pari materia*.

48 Vict. c. 15.
Schedule 2.—

Forms for
Counties (Occu-
pation Voters).

FORM (H.)

FORMS of NOTICE of CLAIM in respect of the OCCUPATION
FRANCHISE.

No. 1.—GENERAL.

To the overseers of the parish [or township] of
I claim to have my name inserted in the list made by you of parlia-
mentary voters for the [division of the] county of
in respect of the qualification named below [and to have my name
omitted from the corrupt and illegal practices list].

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A.B.

No. 2.—LODGERS.

To the overseers of the parish [or township] of
I claim to have my name inserted in the list of parliamentary voters
for the [division of the] county of in respect
of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings situate.	Amount of Rent Paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William.	Two rooms, first floor, furnished.	51 Brick Street	16s. a week.	William John- son, 51 Brick Street.

I hereby declare that I have during the twelve calendar months imme-
diately preceding the fifteenth day of July in this year occupied as sole
tenant [or as joint tenant with], and resided in,
the above-mentioned lodgings, and that those lodgings are of a clear yearly
value, if let unfurnished, of ten [or twenty] pounds or upwards† and I
hereby declare that I am on the register of parliamentary voters for the
said division [or county] in respect of the same lodgings as above men-
tioned, and I desire to have my name inserted in the old lodgers list.†

Dated the day of 18 .

(Signed) A.B. (the Claimant).

I, the undersigned, hereby declare that I have witnessed the above sig-

Omit the words
between crosses
if they are not
applicable.

nature of the above-named claimant at the date stated above, and that I believe the above claim to be correct. 48 Vict. c. 15.

Dated the day of 18 .

Schedule 2. -

(Signed) C.D., of
[state residence and calling of witness.]

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms, so occupied.

If the claimant is on the register in respect of the same lodgings, and desires to have his name inserted in the old lodgers list published on or before the first day of August, he must send in his claim on or before the twenty-fifth day of July.

In any other case he must send it in after the last day of July, and on or before the twentieth day of August.

If there are two joint lodgers, the yearly value of the lodgings must be twenty pounds or upwards.

[*Editors' Note.*] See Forms H., No. 1, and H., No. 2, in Schedule 3, and as to lodgers, see s. 4 of the Act of 1867, and ss. 22 and 23 of the Act of 1878; but in 1885 there will be no "Old Lodgers List" in counties.

FORM (I.)

FORM of NOTICE of OBJECTION in respect of the OCCUPATION FRANCHISE.

No. 1.

NOTICE of OBJECTION to be given to Overseers.

To the overseers of the parish [or township] of
I hereby give you notice that I object to the name of
being retained on the list of parliamentary voters for the [division of the] county of [and to the omission of the said name from the corrupt and illegal practices list].

Dated the day of 18 .

(Signed) A.B. [place of abode]
on the list of parliamentary voters for
the parish [or township] of .

No. 2.

NOTICE of OBJECTION to be given to PERSON objected to.

To Mr.

I hereby give you notice that I object to your name being retained on the list of parliamentary voters for the [division of the] county of [and to the omission of your name from the corrupt and illegal practices list] on the following grounds, viz. :—

1. That, e.g., *you have not occupied for twelve months to July 15th :*
2. That *you have been convicted [or reported guilty] of a corrupt practice :*
- 3.

Dated the day of 18 .

(Signed) A.B., of [place of abode, on the list of parliamentary voters for the parish [or township] of .

Note.—The notice of objection in each of the above two cases, Nos. 1 and 2, should, if there is more than one list, specify the list to which the objection refers; and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

48 Vict. c. 15.
Schedule 2.

*Forms for
Counties (Occu-
pation Voters).*

FORM (K.)

FORM of LIST of CLAIMANTS in respect of the OCCUPATION FRANCHISE
to be published by the Overseers.

No. 1.—GENERAL LIST OF OCCUPIER CLAIMS.

The following persons claim to have their names inserted in the lists of
parliamentary voters for the [division of the] county of
in respect of the occupation of property in this parish [or township] other
than lodgings.

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
 C.D. } township] of .

Note.—A copy of the claim must be entered in this form.
Any claim to be omitted from the corrupt and illegal practices list shall
be added to the foregoing list of claimants.

No. 2.—LIST OF LODGER CLAIMANTS.

The following persons claim as lodgers to have their names inserted in
the lists of parliamentary voters for the [division of the]
county of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) A.B. } Overseer of the parish [or
 C.D. } township] of .

Note.—A copy of the claim must be entered in this form.

FORM (L.)

48 Vict. c. 15.

Schedule 2.

FORMS of OBJECTION LISTS to be published by the Overseers, *i.e.*, of LISTS of PERSONS objected to when on LIST of OCCUPATION VOTERS.

No. 1.—LIST of PERSONS on Occupiers List who have been objected to.

The following persons have been objected to as not being entitled to have their names retained on the lists of parliamentary voters for the [division of the] county of , in respect of the occupation of property in the parish [or township] of other than lodgings.

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
 C.D. } township] of .

Note.—In this form copy particulars from the list of voters.
Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

No 2.—List of LODGERS objected to.

The following persons have been objected to as not being entitled to have their names retained on the old lodgers list among the parliamentary voters for the [division of the] county of

Name of Person objected to in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) A.B. } Overseers of the parish [or
 C.D. } township] of .

48 Vict. c. 15.
Schedule 2.

*Forms for
Counties (Occu-
pation Voters).*

Note.—This form applies only to lodgers on the old lodgers list who are objected to.
The list of lodgers so objected to should form a separate list from that of other persons objected to.
In this form copy particulars from the old lodgers list.

FORM (M.)

DECLARATION for correcting misdescription in OCCUPIERS or OLD LODGERS LIST.

I, _____ of _____ in the parish of _____
in the [_____ division of the] county of _____, do solemnly
and sincerely declare as follows:—
1. I am the person referred to in the list of _____ (specifying the
particular list) made out for the parish [or township] of _____
by an entry as follows:—

Name as described in List.	Place of Abode as described in List.	Nature of Quali- fication as described in List.	Description of Quali- fying Property.
Giles, John .	High Street .	Tenement . .	Hill Farm, Green Lane.

2. My correct name and place of abode and the correct particulars
respecting my qualification are, and ought to be, stated in the register
about to be made up of parliamentary voters for the [_____ division
of the] county of _____, as follows:—

Correct Name.	Correct place of Abode.	Correct nature of Qualification.	Correct Description of Qualifying Property.
Giles, Joseph.	15 High Street	Land and tene- ment.	Church Farm, Green Lane.

Dated this _____ day of _____ 18 .

(Signed)
Made and subscribed before
me this _____ day }
of _____ 18 ,

A. B.

Justice of the peace for _____ .

The person be-
fore whom the
declaration is
made should
affix his official
description.

Note.—In the case of a declaration by a person on the old lodgers list
this form must be adapted so as to suit that list.
[Editors' Note.] See s. 10 of the Act of 1865, p. 123, and s. 24 of the
Act of 1878, p. 151.

48 Vict. c. 15.
Schedule 3.

*Forms for
Boroughs.*

THIRD SCHEDULE.

INSTRUCTIONS AND FORMS FOR BOROUGHES.

INSTRUCTIONS TO TOWN CLERKS.

[*Editors' Note.*] As to obligation under Redistribution of Seats Act, 1885, to send "supplemental precepts," see s. 19, suba. 4, of that Act, p. 239.]

Section 18.

1. This precept is to be issued to the overseers of a parish or township—
 - (a.) where the parish or township is situate both in a municipal and also in a parliamentary borough by the town clerk of the municipal borough; and
 - (b.) where the parish or township is situate in a municipal borough, wholly or partly comprised in the area of a parliamentary borough which after the dissolution of the Parliament existing in January one thousand eight hundred and eighty-five ceases to be a parliamentary borough, by the town clerk of such municipal borough; and
 - (c.) where a parish or township is situate in a parliamentary but not in a municipal borough, then by the person acting under the Parliamentary Registration Acts as town clerk of such parliamentary borough.

2. Where a parish or township is situate partly within and partly without the boundary of a parliamentary borough, or any such municipal borough wholly or partly comprised in the area of a former parliamentary borough as above mentioned, each such part of a parish is deemed to be a separate parish for the purposes of these instructions and the following forms; and the town clerk must add to his precept to the overseers of such parish or township a note to the effect that his precept applies only to that portion of the parish or township which is situate within the said boundary, and that the lists of all the voters for that portion must be made out separately, and that any reference in the precept to the parish or township means only that portion of the parish or township which is situate within the said boundary.

3. Where a parish or township is situate within a parliamentary, but not within a municipal borough, the town clerk will omit from his precept, and from the forms sent to the overseers of such parish or township, so much as relates to burgesses; that is to say, in the precept paragraphs two, eight, and fifteen, and so much of the heading and of paragraphs twelve, fourteen, sixteen, twenty-two, twenty-seven, thirty, thirty-five and thirty-six as is placed between asterisks.

If there is no corrupt and illegal practices list, the town clerk will omit from the precept and Forms all parts relating to it.

In the year one thousand eight hundred and eighty-five, the town clerk will inform the overseers that any corrupt and illegal practices list made with reference to any voters disqualified by any Act passed during the present session does not apply to burgess lists, and will omit so much of the precept as relates to the old lodgers' list, and the forms relating to that list, in every case where the parish was not, in one thousand eight hundred and eighty-four, in a parliamentary borough.

4. Where a parish or township is not situate within a parliamentary borough, the town clerk must substitute in his precept for the expression "parliamentary borough" the expression "[division of the] county of ," and make the necessary consequential substitution in the precept and forms of "division" or "county" for "borough,"

NOTE.—This is to meet the case of the merged boroughs.

and must make the alterations mentioned in the marginal notes to this precept, and must add the following paragraphs (i. to v.):—

48 Vict. c. 15.

Schedule 3.

(i.) This precept does not apply to any person entitled to vote in respect of the ownership of property whether of freehold, leasehold, or copyhold tenura.

(ii.) The expression "parliamentary voter," besides the voters mentioned in paragraph one of this precept, includes a person entitled to be registered as a voter in respect of a fifty pounds rental qualification.

(iii.) A person entitled to be registered as a voter in respect of a fifty pounds rental qualification—

(a) must on the fifteenth day of July next be an occupier as tenant of some land or tenement for which he is *bonâ fide* liable to a yearly rent of not less than fifty pounds; and

(b.) must have occupied such land or tenement for the whole of the twelve months immediately preceding the fifteenth day of July next; and

(c.) must have been registered as a voter in respect of the said occupation in the register of voters in force during the year one thousand eight hundred and eighty-four.

(iv.) If two or more persons jointly are such occupiers as above mentioned, and the rent is such as to give fifty pounds or more for each occupier, each such occupier, if he was registered in respect of the said occupation as aforesaid in the year one thousand eight hundred and eighty-four, is entitled to be registered as a voter.

(v.) A person entitled to be registered as a voter in respect of a fifty pounds rental qualification must be entered in the list of voters in the same manner as if he were entitled to a ten pounds occupation qualification, and you must consider that the directions in this precept respecting that qualification apply to a fifty pounds rental qualification.

The town clerk must send, with the precept, to the overseers copies of the following forms in this schedule, namely,—

Form A.

Form B., No. 1, and if the parish is in a municipal borough, No. 2.

Form C., No. 1 and No. 2.

Form D., No. 1, or Form H., as the case requires.

Form D., No. 2, where the case requires it.

Form D., No. 3.

Form F., if required for the parish.

Form G., if the parish is in a municipal borough.

Form K., No. 2 and No. 3, and if the parish is in a municipal borough, No. 1 and No. 4.

Form L., No. 2 and No. 3, and if the parish is in a municipal borough, No. 1 and No. 4.

Also, if there is any corrupt or illegal practices list, a copy of that list.

6. In copying and printing for the parliamentary register the revised lists of any parish or township in a parliamentary borough, such lists may, and if and so far as the local authority, under the Parliamentary and Municipal Registration Act, 1878, so direct, shall, be arranged according to convenience for use in parts for polling districts or, if the parish is situate in a municipal borough, wards, and where the polling districts and wards do not coincide, then in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists; and where the list has been made out in divisions, divisions one and two for the parliamentary register, and divisions one and three for the burgess roll, may, and if and so far as the local authority under the Parliamentary and Municipal Registration Act,

48 Vict. c. 15.
Schedule 3.

*Forms for
Boroughs (In-
structions to
Town Clerks).*

1878, so direct, shall, be combined or kept separate according to convenience for use; and any arrangement may, and if and so far as the said local authority so direct, shall, be adopted according to convenience, so that one print or edition of division one may be available for both sets.

7. In a parliamentary borough each part of the parliamentary register which corresponds with a polling district or ward shall be divided into four lists—

- (a.) A list of voters in respect of a ten pounds occupation or household qualification;
- (b.) A list of lodgers;
- (c.) A list of the freemen (if any) entitled to vote in the said polling district or ward; and
- (d.) A list of persons having any rights of voting in the said polling district or ward otherwise than as above mentioned.

8. Each entry for voting on the parliamentary register of every parliamentary borough, and on the burgess roll of every municipal borough, is, save as mentioned in paragraph nine, to be distinguished by a number, either alone or in combination with such letter or distinguishing mark as the local authority under the Parliamentary and Municipal Registration Act, 1878, from time to time fixes, and there shall be one series of numbers for the whole of each parliamentary borough, or if it is divided into divisions for each division of such borough, and for the whole of each municipal borough, or if it is divided into wards for each ward, save that if the local authority so direct there may be a separate series of numbers for each polling district, whether parliamentary or municipal.

9. Any entry of a person against which the revising barrister has placed a note to the effect that such person is not entitled to vote in respect of the qualification therein contained, he being on the list for voting in respect of another qualification, is to be denoted by an asterisk, and no number is to be prefixed to his name.

10. The officer having the custody of any revised list of voters in a parliamentary borough or municipal borough under the Parliamentary Registration Acts shall permit access thereto for the purpose of the same being copied for any public purpose relating to parliamentary registration or the enrolment of burgesses.

FORM OF PRECEPT OF THE TOWN CLERK TO THE OVERSEERS.

REGISTRATION OF PARLIAMENTARY VOTERS * AND BURGESSES.*

Omit part between asterisks if no part of parish is in a municipal borough.

Parliamentary borough } To the overseers of the poor of the parish
of [or township] of
* Municipal borough of * }
to wit.

In pursuance of the provisions of the Acts of Parliament in that behalf I require your attention to the following :—

INSTRUCTIONS.

Part I. of this precept informs you generally of the persons entitled to be registered, and of the meaning of the expressions used in this precept, and also as to the mode in which you are to make out and publish the lists.

Part II. gives you, in order of time, the several matters which you are required to do.

PART I.

48 Vict. c. 15.

Schedule 3.

GENERAL INSTRUCTIONS, EXPLAINING THE PERSONS ENTITLED TO BE REGISTERED, THE MEANING OF THE EXPRESSIONS USED, AND THE MODE OF MAKING OUT AND PUBLISHING THE LISTS.

Definitions.

This precept relates to the registration of parliamentary voters for the said parliamentary borough *and the enrolment of burgesses for the said municipal borough.*

1. In this precept the expression "parliamentary voters" means persons entitled to be registered as voters at parliamentary elections for the said parliamentary borough or any division thereof in respect of—

- (a) a ten pounds occupation qualification as hereafter defined in paragraph four of this precept;
- (b) a household qualification as hereafter defined in paragraph five of this precept; or
- (c) a lodger qualification as hereafter defined in paragraph six of this precept; or
- (d) any right reserved by sections thirty-one and thirty-three of the Reform Act, 1832.

2. In this precept the expression "burgesses" means persons entitled to be enrolled as burgesses under the Municipal Corporations Act, 1882.

3. Every parliamentary voter must be a man of full age, and not subject to any legal incapacity, and must not at any time during the twelve months immediately preceding the fifteenth day of July next have received any parochial relief.

4. A person entitled to be registered as a parliamentary voter in respect of a ten pounds occupation qualification—

- (a) must † during the whole twelve months immediately preceding the fifteenth day of July next have been an occupier as owner or tenant of some land or tenement in your parish [or township] of the clear yearly value of not less than ten pounds; and
- (b) must have resided in or within seven miles of the said parliamentary borough during six months immediately preceding the fifteenth day of July next; and
- (c) such person, or some one else must during the said twelve months have been rated to all poor rates made in respect of such land or tenement; and
- (d) all sums due in respect of the said land or tenement on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January last, or on account of any assessed taxes due before the fifth day of January last, must have been paid on or before the twentieth day of July next.

If two or more persons jointly are such occupiers as above mentioned, and the value of the land or tenement is such as to give ten pounds or more for each occupier, each of such occupiers is entitled to be registered as a voter.†

If a person has occupied in the said parliamentary borough different lands or tenements of the requisite value in immediate succession during the said twelve months, he is entitled in respect of the occupation thereof to be registered as a voter in the parish [or township] in which the last occupied land or tenement is situate.

Parliamentary voters.

Omit (d) where any reserved right does not exist.

Burgesses. General qualification.

Ten pounds occupation qualification.

† If parish is not in a parliamentary borough, after "must" insert "on the fifteenth day of July next be, and".

If parish is not in a parliamentary borough omit (b).

In a parish in the City of London substitute twenty-five for seven miles.

If the parish is not in a parliamentary borough, substitute for the part between crosses "two of such occupiers are entitled to be registered as voters, but no more are so entitled unless they derived the property by descent, succession, marriage, marriage settlement, or devise, or unless they are bona fide engaged as partners carrying on trade or business thereon, in any of which cases all may be registered, if the value is sufficient to give ten pounds for each occupier."

4th Vict. c. 15.

Schedule 3.

*Forma for
Boroughs
(Procept).*Household
qualification.

5. A person entitled to be registered as a parliamentary voter in respect of a household qualification—

- (a) must on the fifteenth day of July next be and for the whole of the twelve months immediately preceding that day (except the time (if any) not exceeding four months during which he has permitted the house to be occupied as a furnished house), have been an inhabitant occupier of some dwelling-house in your parish [or township], or of some part of a house separately occupied as a dwelling; and
- (b) such person or some one else must during those twelve months have been rated to all poor rates made in respect of the said dwelling-house; and
- (c) all sums due in respect of the said dwelling-house on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January last must have been paid on or before the twentieth day of July next.

If two or more persons are joint occupiers of a dwelling-house, no one of them is entitled to be registered as a voter in respect of a household qualification in respect thereof, though if the value is sufficient, one or more of them may be so entitled under paragraph four above.

If a person has occupied different dwelling-houses in the said parliamentary borough in immediate succession during the said twelve months, he is entitled in respect of the occupation thereof to be registered as a voter in the parish [or township] in which the last occupied dwelling-house is situate.

If a person inhabits a dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he is considered to be an inhabitant occupier of that dwelling-house.

Lodger
qualification.

6. A person entitled to be registered as a parliamentary voter in respect of a lodger qualification—

- (a) must have claimed to be registered; and
- (b) must have occupied separately as a lodger for the whole twelve months immediately preceding the fifteenth day of July next lodgings, being part of one and the same dwelling-house in your parish [or township], and being of a clear yearly value, if let unfurnished, of ten pounds or upwards; and
- (c) must have resided in such lodgings during the said twelve months.

If two or more persons are joint lodgers, and the value of the lodgings is such as to give ten pounds or more for each lodger, two of such persons, but no more, are entitled to be registered as voters.

If a person has occupied different lodgings of the requisite value in the same house, in immediate succession, he is entitled to be registered as a voter in respect of the occupation thereof.

Reserved
rights.

† Omit part between crosses except in counties of cities or towns where these rights exist, and omit par. 7 where no reserved rights exist.

Burgesses.

7. A person entitled to be registered as a voter in respect of any right reserved by sections thirty-one and thirty-three of the Reform Act, 1832, must feither—

- (a) be a freeholder or burgage tenant; or,†
- (b) be possessed of a right to vote, possessed by him on the seventh day of June one thousand eight hundred and thirty-two.

8. A person entitled to be enrolled as a burgess may be a man or woman, but must be of full age and not subject to any legal incapacity, and must not at any time within the twelve months next before the fifteenth day of July next have received any parochial relief; and—

- (a) must during the whole of the twelve months immediately preceding

the fifteenth day of July next have been an occupier of a house, warehouse, counting-house, shop, or other building in your parish [*or township*]; and

48 Vict. c. 15.

Schedule 3.

(b) have resided during those twelve months in the said municipal borough or within seven miles thereof; and

(c) such person or some one else must during the said twelve months have been rated to all poor rates made in respect of the qualifying property; and

(d) all sums due in respect of the qualifying property on account of any poor rate made and allowed, or any borough rate made during the twelve months immediately preceding the fifth day of January last, must have been paid on or before the twentieth day of July next.

A person is entitled to be enrolled as a burgess notwithstanding that he has permitted his dwelling-house to be occupied as a furnished house for a time not exceeding four months, and during that time has not resided as above-mentioned.

If two or more persons are joint occupiers, each such occupier is entitled to be enrolled as a burgess.

If a person has occupied in immediate succession during the said twelve months different premises in the municipal borough which would qualify him for enrolment as a burgess, he is entitled, in respect of the occupation thereof, to be enrolled as a burgess in the parish [*or township*] in which the last occupied premises are situate.

A person who is entitled to be enrolled as a burgess in all respects except that of residence, and is resident beyond seven miles, but within fifteen miles, of the said municipal borough, is entitled to be on the list of persons entitled to be elected councillors or aldermen though not entitled to be on the burgess roll.

Mode of making out Lists.

9. Each list and, where the list is made out in divisions, each division of each list must be made out in alphabetical order.

If your parish [*or township*] is divided into, or forms part of, more than one polling district or ward, you must make out a list for each part which is in a separate polling district or separate ward as if it were a separate parish.

10. In making out the lists you are to state the surname and other name or names of each person at full length, the surname being placed first.

11. The place of abode should be entered with the name (if any) of the street, lane, or other locality, and the number (if any) in such street, lane, or other locality, and such entry should be made in all cases in such a manner as will afford a full and sufficient address for a person entered if a letter is addressed to him by post.

12. The nature of the qualification should be entered as nearly as possible in accordance with the words of the statute conferring the franchise; for instance:—

NOTE.—If the local authority has given any special directions as to the mode of making out the list according to streets or otherwise, the town clerk or other officer issuing the precepts must modify paragraph (9) accordingly.

Entry of names.

Entry of nature of qualification.

(a.) The nature of the ten pounds occupation qualification of a person should be stated thus:—"tenement" or "land," or "land and tenement," or in the case of a joint occupation "tenement (joint)," or "land (joint)," or in the case of a successive occupation "tenement (successive)" or "land (successive)."

(b.) Where a parish is situate in a municipal borough and the ten pounds qualification is also a qualification for a burgess, the

48 Vict. c. 15.
Schedule 3.

*Forms for
Boroughs.
(1 receipt).*

nature of the qualification should be stated by a description of the tenement thus:—"house," "shop," "warehouse," or "building," or "chambers," or as the case may be, or in the case of a joint occupation "house (joint)," "shop (joint)," "warehouse (joint)," or as the case may be, or in the case of a successive occupation "shop (successive)," or as the case may be.

(c) The nature of a household qualification should be stated thus, "dwelling-house," or in the case of successive occupation "dwelling-house (successive)."

(d.) *The nature of a qualification for a burgess only should be stated thus, "house," "warehouse," "counting-house," "chambers," or as the case may be, with the addition of "joint," or "successive" if necessary.*

Where the same property constitutes both a ten pounds occupation qualification and a household qualification, the nature of the qualification should be entered as "dwelling-house,"* and that statement will suffice although the property also qualifies for a burgess.*

If the description indicates the nature of the qualification, as, for instance, if a ten pounds occupation qualification consists of a house and is entered as a dwelling-house, such description will be sufficient.

Any description of the nature of the qualification further than that above mentioned is superfluous and should not be given.

Entry of qualifying property.

13. The description of any qualifying property should specify the name and situation of that property, and for that purpose should either state the name (if any) of the street, lane, or other locality, and the number (if any) in such street, lane, or other locality of such property, or the name of the occupying tenant, and the description of the qualifying property should in all cases be such as will afford full and sufficient means of identifying such property.

General qualifications.

14. Where several qualifications are possessed by the same person, the particulars respecting each qualification should be stated in the list; *and in the case of a list made out in divisions, where a person is entered in division one in respect of one qualification for parliamentary purposes, and in respect of another qualification for municipal purposes, each such qualification should be distinguished in the list by a note to the effect that the qualification is for parliamentary purposes only, or for municipal purposes only, as the case may be.*

Divisions of list.

15. If your parish [or township] is situate in a municipal borough the occupiers list (mentioned hereafter in paragraph thirty sub-paragraph (a)) is to be made out in three divisions:

Division one is to comprise the names of the persons entitled both to be registered as parliamentary voters in respect of a ten pounds occupation or household qualification, and to be enrolled as burgesses.

Division two is to comprise the names of the persons entitled to be registered as parliamentary voters in respect of a ten pounds occupation or household qualification, but not to be enrolled as burgesses.

Division three is to comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters in respect of a ten pounds occupation or household qualification.

Omission of dead and disqualified.

16. You should omit from any list of parliamentary voters (other than the old lodgers list) *and from any list of burgesses* the name of any person—
(a) whom from the returns furnished by the registrar of births and deaths, or from your own knowledge; or

- (b) who is not qualified by reason of the nonpayment of rates; or
 (c) who is disqualified by reason of having received parochial relief; or
 (d) †whose name is entered in the corrupt and illegal practices list.†

48 Vict. c. 15.

Schedule 3.

17. In making out the old lodgers list (mentioned hereafter in paragraph thirty, sub-paragraph (c)), if you have reason to believe that any person whose name is entered on that list is dead, or is not entitled to be registered, you should make a note to that effect in the margin of the list.

Omit (d) where there is no corrupt and illegal practices list.

Objection in old lodgers list.

18. The registrars of births and deaths are required to send to you, periodically, returns of the names and residences of all male persons of full age dying within your parish [or township], and you must examine those returns to see whether any person who otherwise would appear in the list of voters is dead, and you are to pay the registrars, as part of your expenses connected with registration, a fee of twopence for each return, and a further fee of twopence for every death entered in such returns.

Registrars returns of deaths.

Publication and Inspection.

19. The manner in which you are required to publish the notices, lists, and documents directed by this precept to be published is as follows; that is to say—

Publication of lists, &c.

You are to fix a copy of such notice, list, or document (each copy being first signed by you)—

- (a) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [or township], including chapels which do not belong to the Established Church; and
 (b) also, having first obtained the authority of the local postmaster, or if he refuses, of the Postmaster-General, in some public and conspicuous position in or near every post office and telegraph office occupied by or on behalf of the Postmaster-General; and
 (c) also in or near every public or municipal or parochial office in your parish [or township]; or
 (d) if there is no such church, chapel, or office, then in some public or conspicuous situation in your parish [or township].

20. Everything so published must remain there during a period including two consecutive Sundays at least next after the first day of publication, and if you find any notice, list, or other document published by you in pursuance of this precept to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same effect in its place.

21. Where this precept directs you during any period to allow any copy of a portion of a register, list, notice, or other document to be open to public inspection, and to deliver copies thereof, you will permit such copy, list, notice, or document to be perused by every person desirous of perusing it, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the said period, without payment or demand of any fee; and you are also to deliver a written or printed copy of it, signed by you, to every person applying for the same during the said period, on payment of a price for such copy after the following rate:—

Inspection and delivery of copies.

For any list or copy of a list containing any number of persons' names—

	s.	d.
Not exceeding 100 names	0	6
Exceeding 100 and not exceeding 200	1	0
Exceeding 200 and not exceeding 300	1	6
Exceeding 300 and not exceeding 400	2	0
Exceeding 400	2	6

48 Vict. c. 15.
Schedule 3.

*Forms for
Boroughs
(Precept).*

22. You must allow any person who is registered as a parliamentary voter in the said parliamentary borough, *or enrolled as a burgess in the said municipal borough,* to inspect at all reasonable times, free of charge,—

- (a) the books containing the poor rates made for your parish [*or township*] within the last two years, and to make a copy of, or take an extract from, such books, and
- (b) the returns of death sent to you by the registrars of births and deaths.

PART II.

THINGS TO BE DONE IN ORDER OF DATE.

Notices and Inquiries.

April and May.
[In 1855 pars.
23–25 may be
omitted.]

23. In the months of April and May, or one of them, you are to inquire or ascertain with respect to all property in your parish [*or township*] which comprises any dwelling-house (including under the term any part of a house separately occupied as a dwelling), whether any man, other than the owner or other person rated or liable to be rated in respect of such property, is entitled to be registered as a voter in respect of a household qualification by reason of his being an inhabitant occupier of such dwelling-house, and you are to enter in the rate-book, in a separate column added for the purpose, the name of every man so entitled and the situation or description of the dwelling-house in respect of which he is entitled.

If any property, whether by reason of belonging to the Crown or otherwise, is not rated, you must act under this paragraph in the same manner as if it were rated.

24. For the purpose of your inquiry you are at liberty to serve on any person who is the occupier, or rated or liable to be rated in respect of any property, or on some agent of such person concerned in the management of such property, a requisition according to the Form (A.) among the forms sent herewith. You may serve the requisition by giving it to the person by whom it is to be observed, or by leaving it at his last or usual place of abode, or with some person on the property, and in case no such person can be found, then by affixing the requisition in some conspicuous part of the property; and where the property is occupied by a company or other body of persons, you may serve the requisition on the secretary or agent of the company or body of persons, and if the property belongs to the Crown or is not rated, you may serve it on the chief local officer having the superintendence or control of the property. A person who fails to comply with the requisition is liable on summary conviction to a penalty of forty shillings.

25. In making the inquiries directed by the two last paragraphs you will observe the following directions:—

(a.) if you know that any man who is not rated has inhabited a dwelling-house since the fifteenth day of July last you should enter the name of that man in the rate book as mentioned in paragraph twenty-three of this precept, without serving any requisition on the occupier or other person rated.

(b.) You should not serve the requisition on the occupier or owner of any property, unless you have reasonable ground to believe that there is some inhabitant occupier of such property, who is entitled to vote, besides the person on whom the requisition is served.

26. On or before the twentieth day of June next you are to publish in manner directed by paragraph nineteen of this precept a notice [or notices] signed by you according to the Form (B.) among the printed forms sent herewith.

27. Where any sum on account of a poor rate made and allowed during the twelve months next before the fifth day of January last is on the first day of June next due in respect of any property in your parish [or township] capable of conferring the franchise in respect of a ten pounds occupation or household qualification for the said parliamentary borough *or the franchise for the said municipal borough,* you are on or before the twentieth day of June next to give to every occupier of that property a notice (in the Form (C.) No. 1, sent herewith), by delivering it to such occupier, or leaving it at his last or usual place of abode, or with some person on the property in respect of which the rate is payable, and in case no such person can be found, then by affixing the notice upon some conspicuous part of such property.

You need not give this notice if the rate has been previously duly demanded of such occupier by a demand note served in the like manner as the last-mentioned notice, but you must serve the notice on every occupier of that property who will, if the rate is paid, be entitled to be registered as a voter in respect of the occupation thereof.

28. If the sum due on account of poor rate as above mentioned in respect of any property is not paid on or before the twentieth day of July next, all occupiers of that property are disqualified from being entered in any list of occupation voters; and on or before the twenty-second day of July next you are to make out (in the Form (C.) No. 2, sent herewith) a list containing the name of every person so disqualified; and you are to keep that list, and during the first fourteen days after the said twenty-second day of July are to allow it to be open to public inspection, and to deliver copies thereof in accordance with paragraph 21 of this precept.

29. On or before the last day of July next you are to ascertain from the relieving officer acting for your parish [or township] the names of all persons who are disqualified from being inserted in the lists of voters for your parish [or township] by reason of having received parochial relief, and the relieving officer upon your application is bound to produce to you at such place in your parish [or township] and at such times as are required by you the books in his possession containing the names of such persons.

Lists of Voters.

30. On or before the last day of July next you are to make out in manner directed by paragraphs nine to seventeen of this precept the following lists of voters:—

(a.) The occupiers list, that is to say, a list (in the Form (D.) [or (E.)] No. 1 sent herewith) of all persons who by reason of the occupation of property situate wholly or partly within your parish [or township] are entitled to be registered as parliamentary voters in respect of a ten pounds occupation or a household qualification as defined in paragraphs four and five of this precept *or to be enrolled as burgesses of the said municipal borough.*

(b.) The reserved rights list, that is to say, a list (in the Form (D.) No. 2, sent herewith) of all persons who are entitled within your parish [or township] to be registered as parliamentary voters in respect of any right reserved by section thirty-one or thirty-three of the Reform Act, 1832.

48 Vict. c. 15.

Schedule 3.

20th June.

20th June.

When a borough rate is levied as a separate rate and not as part of the poor rate, the precept should be altered accordingly so as to contain a reference to the borough rate.

22nd July.

31st July.

31st July.

If parish is not in a parliamentary borough existing before 1832 omit (b).

48 Vict. c. 15.

Schedule 3.

In 1885 if the parish was not in 1884 in a parliamentary borough omit (c), and if the parish was in 1884 in a parliamentary borough since merged in the county, substitute "parliamentary borough of " for "the said parliamentary borough."

† Paragraph (e) is to be sent in lieu of (a), (b), and (c) where the parish is situate in a municipal, but not in a parliamentary borough and was not included in a parliamentary borough merged in the county by the Redistribution of Seats Act, 1885.

1st August.
If there is no corrupt and illegal practices list, the paragraph relating to it must be omitted.

If parish is not in a parliamentary borough, omit paragraph as to assessed taxes.
25th August.

† Omit (f) if there is no corrupt and illegal practices list.

(c.) The old lodgers list, that is to say, a list (in the Form (D.) No. 3, sent herewith), of all persons who being on the register of voters now in force for the said parliamentary borough in respect of residence in lodgings within your parish [or township] have, on or before the twenty-fifth day of July next, given or caused to be given to you or any one of you claims to have their names inserted in the lists of parliamentary voters in respect of residence in the same lodgings.

(d.) *A list (in the Form (G.) sent herewith) of all persons who are entitled, in respect of the occupation of property within your parish [or township], to be elected councillors or aldermen of the said municipal borough, but are not entitled to be on the burgess roll thereof.

†(e.) The burgess list, that is to say, a list, in the Form (F.) sent herewith, of all persons who by reason of the occupation of property situate wholly or partly within your parish [or township] are entitled to be enrolled as burgesses for the said municipal borough.† *

31. On or before the first day of August next you are to sign the above-mentioned lists, and to cause a sufficient number of copies of such lists to be written or printed, and to publish the lists signed by you in your parish [or township] in manner directed by paragraph nineteen of this precept.

32. You are also to publish at the same time and in the same manner the corrupt and illegal practices list which is sent herewith.

33. You are also to keep a written or printed copy of each of the above lists, and during the first fourteen days after the publication of them are to allow them to be open to public inspection, and to deliver copies thereof in accordance with paragraph twenty-one of this precept.

34. You are also to keep the list of defaulters in the payment of assessed taxes sent to you by the collector of taxes, and allow it during the first fourteen days after the first publication of the lists of voters to be open for public inspection in manner directed by paragraph twenty-one of this precept.

Claims and Objections.

35. On or before the twenty-fifth day of August next you are to make out (in accordance with paragraphs nine to seventeen of this precept, and according to the Form (K.) sent herewith) claim lists, that is to say, lists containing the name of every person who has given or caused to be given to you, or any one of you, on or before the twentieth day of August next, notice of his claim to have his name inserted in any list of voters for your parish [or township], making separate lists of—

(a.) persons claiming to have their names inserted both among the parliamentary voters for the said parliamentary borough and the burgesses for the said municipal borough;

(b.) persons claiming to be inserted in a list of parliamentary voters* only,* but otherwise than as freemen or lodgers;

(c.) persons claiming to be inserted in a list of parliamentary voters as lodgers, but not comprised in the old lodgers list;

*(d.) persons claiming to be inserted in the list of burgesses only;

(e.) persons claiming to be entered in the list of persons entitled to be elected councillors or aldermen but not entitled to be on the burgess roll; *†and

(f.) persons claiming to be omitted from the corrupt and illegal practices list.†

36. On or before the twenty-fifth day of August next you are also to make out (in accordance with paragraphs nine to seventeen of this precept, and according to the Form (L.) sent herewith) objection lists, that is to say, lists containing the name of every person against whom a notice of objection has been given to you, or any of you, on or before the twentieth day of August next, as not being entitled to have his name retained in a list of voters for your parish [or township], giving in separate lists the objections made to—

48 Vict. c. 15.

Schedule 3.

25th August.

(a) any person who is on the occupiers list* both as a parliamentary voter and a burgess;*

(b) any person who is* on the occupiers list as a parliamentary voter only, or is* on the reserved rights list;

(c) any person on the old lodgers list;

* (d) any person on any list as a burgess only;

(e) any person on the said list of persons entitled to be elected councillors or aldermen;*† and

(f) any person on the ground that he is omitted from the corrupt and illegal practices list.†

Omit "or is on the reserved rights list," where no reserved rights exist.

† Omit (f) if there is no corrupt and illegal practices list.
25th August.

37. On or before the twenty-fifth day of August next you are to sign each of the claim and objection lists, and to publish it in the manner directed by paragraph nineteen of this precept.

38. You are to keep a copy of each of the claim and objection lists signed by you, and during the fourteen days next after the twenty-fifth day of August are to allow such copies and also the original notices of claims and objections to be open to public inspection, and to deliver copies thereof in accordance with paragraph twenty-one of this precept.

25th August.

39. On or before the twenty-fifth day of August next you are to deliver to me [and to the clerk of the peace of the county]—

(a) two copies of the occupiers reserved rights and old lodgers lists; and

(b) a copy of each of the claim and objection lists so made out and signed by you as aforesaid.

40. You are to attend the court to be holden by the revising barrister for the revision of the lists of voters for your parish [or township]; and notice will be sent you of the time and place of holding such court.

Add part in brackets if the parish is not in a parliamentary borough.
Omit "reserved rights," where no reserved rights exist.

41. You are at such court to deliver to the barrister holding it the following documents:—

(a) the several lists made out and signed by you;

(b) the original notices of claims and of objections given to you; and

(c) all notices of the withdrawal or revival of objections received by you,

and you are there to produce the rate books of your parish [or township] containing the poor rates made and allowed during the period between the fifth day of January in last year and the fifteenth day of July next.

If you fail to comply with this precept you will be liable to the penalties in that case provided.

If the officer issuing the precept is not the town clerk of a municipal borough, he should append to his signature his proper official description.

Dated the day of 18 .

(Signed) A.B.,

Town clerk of the municipal borough
of

[*Editors' Note.*] This form by virtue of s. 18 of this Act, p. 176, replaces the form of precept firstly prescribed by s. 10 of the Act of 1843, p. 79, and secondly by s. 8 of the Act of 1878, differing from the superseded form in being far more lengthy and elaborate.

As to obligation to send "supplemental precepts" under Redistribution Act, 1885, see s. 19, subs. 4, of that Act, p. 262.

Forms for Boroughs.

FORM (A.)

To *E.F.*

You are hereby required to fill up accurately the under-written form.

If this form is not returned to us [*or me*], accurately filled up, within twenty-one days after the service hereof, you will be liable under the Representation of the People Act, 1884, to a penalty not exceeding forty shillings.

Dated this day of 18 .

A.B.

C.D.

Overseers [or assistant overseer] for the parish [or township] of .

Form of Return.

1.	2.	3.
Property in respect of which the Person making the Return is rated [<i>or liable to be rated, or occupier</i>].	Situation or Description of every Dwelling-house, as defined by the Representation of the People Acts, forming part of the Property in First Column.	Surname and other Name of every Man who was on the fifteenth day of July last, and has been up to the date of the Return, an Inhabitant Occupier of any Dwelling-house in the Second Column.

I declare that the above is a true and complete return.

(Signed) *E.F.*

Dated the _____ day of _____, 18__.

Note.—The description of the property in the first column should be a copy from the rate book, and should be filled in by the overseers, and if it is a house numbered in a street should specify the street and number.

Such of the following instructions as are suitable should be annexed to the form, with such alterations, if any, as the overseers think necessary for adapting them to the circumstances of the parish or of the property to which the notice refers.

INSTRUCTIONS for filling up Form.

*Instructions where property consists of several buildings ; for instance,
cottages let by the owner.*

In second column insert "cottage in
describe its locality.

In the third column insert, opposite to the description of the cottage in the second column, the name of the man who now inhabits it, and has inhabited it since the fifteenth day of July last. 48 Vict. c. 15.
Schedule 3.

If it has not been so inhabited, state so, or omit the cottage from the second column.

The head of the family alone is considered to be the occupier.

Instructions in case of what is commonly called the Service Franchise.

The dwelling-house in the second column may be either—

- (a.) A separate house—for example, a schoolmaster's house; or
- (b.) A part of a dwelling-house separately occupied as a dwelling—for example, a room or rooms over a stable, or caretaker's rooms in an office.

If it is a separate house, insert in the second column "house in Road," or otherwise describe its locality.

If it is a part of a dwelling-house, insert in the second column "rooms over stable," "basement of office," "rooms over shop," or otherwise specify the locality of the room or rooms.

In the third column insert, opposite to the description of the dwelling-house in the second column, the name of the man who now inhabits it, and has inhabited it since the fifteenth day of July last.

If it has not been so inhabited, state so, or omit the dwelling-house from the second column.

In filling up the return it must be recollected that, under the Representation of the People Acts—

- (a.) In the case of a man who inhabits by reason of any office, service, or employment, if the same house is inhabited by any person under whom such man serves in his office, service, or employment, such man is not considered a separate inhabitant occupier: for example, a butler occupying rooms in his master's house is not such an occupier, although if he occupied rooms over a detached building, such as a laundry, he might be such an occupier:
- (b.) The head of the family alone is considered to be the occupier.

Instructions in the case of a house let in separate tenements.

The dwelling-house in the second column may be any room or rooms in the house which are separately occupied as a dwelling.

Insert in the second column the position of the room or rooms occupied; for example, "first floor, front room."

In the third column insert, opposite to the description of the room or rooms in the second column, the name of the man who now inhabits it or them, and has so inhabited since the fifteenth day of July last.

If any room or rooms have not been so inhabited, state so, or omit the room or rooms from the second column.

In filling up the return, it must be recollected that, under the Representation of the People Acts,—

- (a.) A man who occupies separately any room or rooms in a house must be entered, although he is entitled to the joint use of some other part of the house; for example, a man occupying separately the first floor front rooms, and having joint use of a wash-house, must be entered:

- (b.) The head of the family alone is considered to be the occupier.

If the landlord of a house let out in separate tenements lives in the

48 Viet. c. 15.

Schedule 3.

*Firms for
Boroughs.*

house, he must not return the names of the occupiers of tenements in that house.

[*Editors' Note.*] This form (which is not intended to be sent in 1885, see para. 23-5 of the Precept, p. 214) replaces the form in Schedule 3 of the Representation of the People Act, 1884, p. 70, prescribed by s. 9 of that Act, p. 64. The note at the foot of the form and the elaborate "Instructions" are new.

FORM (B.)

No. 1.

NOTICE as to RATES to be published by the OVERSEERS.

(PARLIAMENTARY.)

Parliamentary borough [or [division of the] county] of
to wit.

, } We hereby give notice that
no person will be entitled
to have his name inserted

in any list of parliamentary voters for the said parliamentary borough [or division or county], now about to be made in respect of the occupation as a ten pounds occupier or inhabitant occupier of any premises situate wholly or partly within this parish [or township], unless all sums which have become due in respect of those premises on account of any poor rate made and allowed during the twelve calendar months next preceding the fifth day of January last past have been duly paid on or before the twentieth day of July next; * or to have his name inserted in any such list in respect of the occupation as a ten pounds occupier of any premises situate as aforesaid, unless he pays on or before the twentieth day of July next all assessed taxes which have become due from him in respect of those premises previously to the fifth day of January last past.*

* If the parish is not in a parliamentary borough omit the part between asterisks.

Dated the day of June, 18 .

(Signed) *A.B.* } Overseers of the parish [or town-
C.D. } ship] of _____.

[Editors' Note.] This form, and Form No. 2, *infra*, replace Form B. in the schedule to the Act of 1878. This notice is directed to be published by s. 11 of the Act of 1843, p. 79.

No. 2.

NOTICE as to RATES to be published by the OVERSEERS.

(MUNICIPAL.)

Municipal borough of _____, } We hereby give notice that no
to wit. } person will be entitled to have
his name inserted in any list

of burgesses of the said municipal borough now about to be made in respect of the occupation of any premises situate wholly or partly within this parish [or township], unless all poor rates and borough rates (if any) which have become due in respect of those premises on account of a poor rate made and allowed or a borough rate made during the twelve calendar months next preceding the fifth day of January last past have been duly paid on or before the twentieth day of July next.

Dated the _____ day of June, 18__.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of _____.

Note.—Where a parish is situate within both a parliamentary borough and a municipal borough, both the above notices must be issued.

48 Vict. c. 15.
Schedule 3.

FORM (C.)

No. 1.

NOTICE as to RATES to be served by OVERSEERS.

To *A.B.*

Parliamentary borough [or [division of the] county] of
* Municipal borough of *

Take notice that you will not be entitled to have your name inserted in the list of parliamentary voters for the said borough [or division or county] * or in the burgess lists for the municipal borough of * now about to be made in respect of the occupation as a ten pounds occupier or inhabitant occupier of the premises in your occupation in [street or place], unless on or before the twentieth day of July next all sums due in respect of those premises on account of any poor rate made and allowed * or borough rate made * during the twelve calendar months next preceding the fifth day of January last, amounting to £ , are duly paid.

Dated the day of June, 18 .

(Signed) *C.D.* Overseers of the parish [or
E.F. township] of .

[*Editors' Note.*] This form replaces Form C. in the schedule to the Act of 1878. The notice is directed to be sent by s. 28 of the Representation of the People Act, 1867, p. 126.

• If the parish is not in a municipal borough the parts between asterisks are to be omitted.
Where a borough rate is levied as a separate rate and not as part of the poor rate, the form should be altered accordingly, so as to distinguish the borough rate from the poor rate, and to state that omission to pay the borough rate will disqualify for enrolment as a burgess.

No. 2.

FORM OF LIST of NAMES of PERSONS disqualified for being registered in respect of a ten pounds occupation or household qualification by non-payment of the rates due in respect of the premises named herein.

Name of Person in full, Surname being placed first.	Place of Abode.	Premises.	Person actually Rated in respect of Premises.

[*Editors' Note.*] This form is new, but merely supplies an omission, neither the Act of 1867 (which by s. 29, p. 127, directed the publication of the list), nor the Act of 1878 (which by s. 10, p. 142, amended that section), supplying a form of list.

• • •

48 Vict. c. 15.
Schedule 3.

Forms for
Boroughs.

FORM (D.)

FORM of LISTS of PARLIAMENTARY VOTERS and BURGESSES for a PARISH
in a MUNICIPAL BOROUGH.

No. 1.

FORM of OCCUPIERS LIST, including Ten Pound Occupiers,
Householders, and Burgesses.

No. 1.—LIST OF

N.B.—This list (No. 1) does not contain the names of any parliamentary voters except those entitled in respect of a ten pounds or household qualification. If the parish is not in a municipal borough, omit the part between asterisks.

The persons entitled to be registered as parliamentary voters for the parliamentary borough [or [division of the] county] of in respect of the occupation of any dwelling-house, or of any land or tenement of a clear yearly value of ten pounds, situate wholly or partly within this parish [or township], *and the persons entitled to be enrolled as burgesses for the municipal borough of in respect of the occupation of property situate wholly or partly within this parish [or township]*.

Division One. Persons entitled both to be Registered as Parliamentary Voters in respect of the occupation aforesaid and to be enrolled as Burgesses.

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Quali- fying Property.
Abrahams, Samuel.	12 High Street	House (joint) .	12 High Street.
Brown, Thomas	Wood Villa, Gainsborough.	Shop . . .	4 Brick Street.
Masters, Abel	1 Brick Street	Dwelling-house.	1 Brick Street.
Smith, William	10 High Street	Dwelling - house (successive).	2 Brick Street. 10 High Street.

Division Two. Persons entitled to be Registered as Parliamentary Voters in respect of the occupation aforesaid, but not to be enrolled as Burgesses.

Names of Voters in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Quali- fying Property.
Adams, John	24 Duke Street	Land . . .	Garden adjoining No. 7 Brick Street.
Stubbs, Thomas	20 High Street	Dwelling - house (service).	20 High Street.

48 Vict. c. 15.
Schedule 3.

*Forms for
Boroughs.*

Names of Claimants in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number, if any, of House in which Lodgings are situate.	Name and Address of Landlord or other Person to whom Rent is paid.	Margin for Objections by Overseers.

(Signed) A.B. } Overseers of the parish [or
 C.D. } township] of

[*Editors' Note.*] This form replaces D., No. 3, in the schedule to the Act of 1878, differing therefrom by omitting a column headed "Amount of rent paid." This "Old Lodgers List" was first directed to be published by s. 22 of the Act of 1878, p. 150.

FORM (E.)

FORM of LIST of Parliamentary Voters for a Parish situate in a PARLIAM-
MENTARY BOROUGH, but not in a MUNICIPAL BOROUGH.

. This form is to be the same as Form D., omitting from List No. 1 the parts between asterisks, and omitting the words "*Division One. Persons entitled, &c.*" forming the heading of Division One, and omitting Divisions Two and Three.

FORM (F.)

FORM of LIST of BURGESSES for a PARISH wholly or partly situate in a MUNICIPAL but not in a PARLIAMMENTARY BOROUGH, and which was not included in a parliamentary borough merged in a county by the Redistribution of Seats Act, 1885.

This Form is to be the same as Form D., No. 1, omitting the words "Division One" and "persons entitled, &c." forming the heading of Division One, and omitting all reference to parliamentary voters, and omitting Divisions Two and Three.

FORM (G.)

FORM of LIST of OCCUPIERS in any Parish entitled to be elected Councillors or Aldermen of a Municipal Borough, though not entitled to be on the Burgess Roll of that Borough.

Lists of the persons who are entitled to be elected councillors or aldermen of the municipal borough of _____ in respect of the

48 Vict. c. 15.

No. 2.—(PARLIAMENTARY) (Lodgers).

Schedule 3.
If the parish is not situate in a parliamentary borough substitute "division of the county" or "county" for "borough."

To the overseers of the parish [or township of].
I claim to have my name inserted as a lodger among the parliamentary voters for the borough of in respect of the qualification named below.

Name of Claimant, in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings situate	Amount of Rent Paid.	Name and Address of Landlord or other person to whom Rent is paid.
Stevens, John William.	Two rooms, first floor, Furnished.	51 Brick Street	16s. a week.	William Johnson, 51 Brick Street.

Omit the words between crosses if they are not applicable.
If the parliamentary borough on the register of which the claimant is entered is merged or altered by the Redistribution Act, substitute in 1885 "the parliamentary borough of " for "the said parliamentary borough."

I hereby declare that I have during the twelve calendar months immediately preceding the fifteenth day of July in this year occupied as sole tenant [or as joint tenant with], and resided in the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let unfurnished, of ten [or twenty] pounds or upwards † and I hereby declare that I am on the register of parliamentary voters for the said parliamentary borough in respect of the same lodgings as above mentioned, and I desire to have my name inserted in the old lodgers list. †

Dated the day of 18 .
(Signed) A.B. (the claimant).

I, the undersigned, hereby declare that I have witnessed the above signature of the above named [here state name of claimant], at the date stated above, and that I believe the above claim to be correct.

Dated the day of 18 .
(Signed) C.D., of [state residence and calling of witness.]

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms, so occupied.

If the claimant is on the register in respect of the same lodgings, and desires to have his name inserted in the old lodgers list published on or before the first day of August, he must send in his claim on or before the twenty-fifth day of July.

In any other case he must send it in after the last day of July, and on or before the twentieth day of August.

If there are two joint lodgers, the yearly value of the lodgings must be twenty pounds or upwards.

[Editors' Note.] This form replaces H., No. 2, in the schedule to the Act of 1878, and the claim, which must be made annually, is directed to be made by ss. 4 and 30, subs. 2, of the Act of 1867, pp. 37, 127. This form differs from H., No. 2, in the Act of 1878, by the specimen address of the landlord in column 5, being "51 Brick Street," the same as that of the lodger; whereas the specimen address of the landlord in column 5 of H., No. 2, in the Act of 1878, was "High Street."

In Pickard v. Baylis, 5 C. P. D. 235, and p. 157, ante, the claimant omitted

to state the amount of rent paid, and it was held that the revising barrister had rightly refused to amend under s. 28, subs. 2, of the Act of 1878, p. 153.

48 Vict. c. 15.
Schedule 3.

No. 3.—(MUNICIPAL).

To the overseers of the parish [or township] of
I claim to have my name inserted in the list of burgesses of the
municipal borough of in respect of the
qualification named below [and I claim to have my name omitted from
the corrupt and illegal practices list].
Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Quali- fication.	Description of Qualifying Property.

(Signed) A.B.

FORM (I.)

FORM OF NOTICE OF OBJECTION.

No. 1.—(PARLIAMENTARY AND MUNICIPAL).

NOTICE of OBJECTION to be given to OVERSEERS.

To the overseers of the parish [or township] of
I hereby give you notice that I object to the name of
being retained on the list as a parliamentary voter for the
parliamentary borough of [and as a burgess
for the municipal borough of] [and to the
omission of the said name from the corrupt and illegal practices list].
Dated the day of 18 .
(Signed) A.B. [place of abode]
on the list of parliamentary voters
and burgesses for the parish [or town-
ship] of .

If the parish is
not in a parlia-
mentary borough,
substitute " —
division of the
county " or
" county " for
" parliamentary
borough."

[Editors' Note.] This form, by virtue of s. 18 of this Act, replaces Form I., No. 1, in the schedule to the Act of 1878, prescribed by s. 8 of that Act, p. 142, in place of that originally prescribed by s. 17 of the Act of 1843, p. 82, and differs therefrom in applying to both parliamentary and municipal voters, whereas the old Form I., No. 1, applied to parliamentary voters only. Moreover, the objector appears by this form to be required to be on the list both of parliamentary voters and burgesses, whereas in the old Form I., No. 1, he had to sign only as a parliamentary voter.

See also ss. 7 and 17 of the Act of 1843, and note to next form.

48 Vict. c. 15.
Schedule 3.

*Forms for
Boroughs.*

No. 2.—(PARLIAMENTARY AND MUNICIPAL).

NOTICE of OBJECTION to be given to PERSON objected to.

To Mr.

I hereby give you notice that I object to your name being retained on the _____ list as a parliamentary voter for the parliamentary borough of _____ [and as a burgess for the _____] [and to the omission of the said name from the corrupt and illegal practices list] on the following grounds, viz. :—

1. That [*e.g.*, you have not occupied for twelve months to July 15th]
2. That
- 3.

Dated the _____ day of _____ 18 .
(Signed) *A.B.*, of [*place of abode*], on the list of parliamentary voters [and burgesses] for the parish [*or township*] of _____

Note.—The notice of objection in each of the above two cases, Nos. 1 and 2, should, if there is more than one list, specify the list, and if the list referred to is made out in divisions, should specify the division to which the objection refers: and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

If the notice refers to Division One the reference to a burgess may be inserted, and in such case these notices are sufficient, and Nos. 3 and 4 need not be served.

[*Editors' Note.*] This form, by virtue of s. 18 of this Act, replaces Form L, No. 2, in the schedule to the Act of 1878, prescribed by s. 8 of that Act in place of that originally prescribed by s. 17 of the Act of 1843, p. 82.

[*Place of abode.*] In *Adams v. Bostock*, 8 Q. B. D. 259; 51 L. J. Q. B. 175; 45 L. T. 443; 30 W. R. 460; 1 Colt. 275, the objector, a solicitor of Horaham (where he had always lived), who was clerk to the magistrates and coroner, omitted to state his place of abode. The revising barrister finding as a fact that no person could have been misled by the omission, it was held that this was a mistake which he might and ought to have corrected under s. 28, subs. 2, of the Act of 1878, p. 153.

[*On the List.*] See as to the divisions, s. 15 of the Act of 1878, p. 145. The objector's list need not be specified, and even if he omit the word "parliamentary," this is a "mistake" which the revising barrister may and ought to amend: *James v. Howarth*, 5 C. P. D. 225; 49 L. J. C. P. 169; 28 W. R. 923; 1 Colt. 87.

[*Should specify the List.*] These words, with reference to the list of the persons objected to, mean, "should specify the character of the qualification with respect to the different kinds of franchise which are the subject of lists variously made out," as, *e.g.* the lodgers list, and do not require the parochial list to be specified: *Mortlock v. Farrer*, *Hall v. Cropper*, 5 C. P. D. 73; 49 L. J. C. P. 160; 41 L. T. 470; 28 W. R. 395.

No. 3.—(MUNICIPAL).

NOTICE of OBJECTION to be given to *OVERSEERS.*

To the overseers of the parish [*or township*] of _____
I hereby give you notice that I object to the name of _____
being retained on the list of burgesses of the municipal borough of _____

[and to the omission of the said name from the corrupt and illegal practices list]. 48 Vict. c. 15.

Dated the day of 18 .
(Signed) A.B., of [*place of abode*], on the list of
 burgesses for the parish [*or town-*
 ship] of

No. 4.—(MUNICIPAL).

NOTICE of OBJECTION to be given to PERSON objected to.

To Mr.

I hereby give you notice that I object to your name being retained on the lists of burgesses of the municipal borough of
on the following grounds, viz. :—

1. That [e.g., you have not occupied for twelve months to July 15th].
2. That
- 3.

Dated the _____ day of _____
(Signed) *A.B.*, of [*place of abode*], on the list of burgesses
for the parish [*or township*] of _____

Note.—The notice of objection in each of the above two cases, Nos. 3 and 4, should, if there is more than one list, specify the list, and if the list is made out in divisions, should specify the division to which the objection refers; and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

FORM (K.)

FORM OF LIST OF CLAIMANTS to be Published by the OVERSEERS.

No. 1.—GENERAL LIST of CLAIMANTS (PARLIAMENTARY AND MUNICIPAL).

The following persons claim to have their names inserted in division one of the occupiers list for the parish [or township] of _____ as parliamentary voters for the parliamentary borough of _____, [and burgesses for the municipal borough of _____.]

**List of claim
ants (parlia-
mentary and
municipal).**

If the parish is not in a parliamentary borough substitute " ——— division of the county " or " county " for " parliamentary borough."

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) *A.B.* } Overseers for the parish [or
C.D. } township] of .

Note.—Form No. 1 applies where the occupiers list is made out in

48 Vict. c. 15.
Schedule 3.

divisions, and to persons who claim to be entered in division one of that list, both as parliamentary voters and as burgesses.
[Editors' Note.] This form is new.

List of claimants (general).
If the parish is not in a parliamentary borough substitute "— division of the county" or "county" for "parliamentary borough."

No. 2.—GENERAL LIST of CLAIMANTS (PARLIAMENTARY).
The following persons claim otherwise than as lodgers to have their names inserted in the lists of parliamentary voters for the parliamentary borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers for the parish [or
C.D. } township] of .

Note.—This form applies to claims—
(a.) where the occupiers list is not made out in divisions; and
(b.) if the occupiers list is made out in divisions to claims by persons to be inserted in division two of that list, or in the reserved rights list.
Any claim to be omitted from the corrupt and illegal practices list shall be added to the foregoing list of claimants.
[Editors' Note.] This form replaces K., No. 1, in the Act of 1878, the footnote being new. For obligation to publish list, see s. 18 of the Act of 1843, p. 88.

List of lodger claimants.
If the parish is not in a parliamentary borough substitute "— division of the county" or "county" for "parliamentary borough."

No. 3.—LIST of LODGER CLAIMANTS (PARLIAMENTARY).
The following persons claim as lodgers to have their names inserted in the lists of parliamentary voters for the parliamentary borough of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is Paid.

(Signed) A.B. } Overseers for the parish [or
C.D. } township] of .

In this form the particulars should be copied from the claims sent in.

48 Vict. c. 15.

[*Editors' Note.*] This form replaces K., No. 2, in the Act of 1878, the footnote being new. For obligation to publish list, see s. 30 of the Act of 1867, p. 127.

Schedule 3.

No. 4.—LISTS of CLAIMANTS (MUNICIPAL).

The following persons claim to have their names inserted in the burgess roll for the municipal borough of .

List of claimants (burgesses).

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Any claim to be omitted from the corrupt and illegal practices list must be added to the above list.

This list need not include the names of persons who claim, where the occupiers list is made out in divisions, to be entered in division one of that list.

FORM (L.)

FORM OF LIST OF PERSONS objected to to be Published by the Overseers.

No. 1.—LIST of PERSONS objected to (PARLIAMENTARY and MUNICIPAL).

The following persons have been objected to as not being entitled to have their names retained on division one of the occupiers lists of parliamentary voters for the parliamentary borough of . and of burgesses for the municipal borough of .

List of persons objected to (general).
If the parish is not in a parliamentary borough substitute "— division of the county " or "county " for "parliamentary borough."

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Note.—This form applies only where the occupiers list is made out in

48 Vict. c. 15.

Schedule 3.

divisions, and to persons objected to who appear in division one of that list.

[*Editors' Note.*] This form is new. As to divisions, see s. 15 of the Act of 1878, p. 145.

No. 2.—LIST of PERSONS objected to (PARLIAMENTARY).

List of persons objected to (general).

If the parish is not in a parliamentary borough substitute "— division of the county " or "county " for "parliamentary borough."

The following persons have been objected to as not being entitled to have their names retained on the lists of parliamentary voters for the parliamentary borough of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Note.—This list applies to objections to persons whose names—
(a) where the occupiers list is not made out in divisions, appear in that list or in the reserved rights list; and
(b) where the occupiers list is made out in divisions, appear in division two of that list, or in the reserved rights list.

Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

[*Editors' Note.*] This form replaces L., No. 1, in the Act of 1878, the footnote being new.

No. 3.—List of LODGERS objected to (PARLIAMENTARY).

List of persons objected to (lodgers).

If the parish is not in a parliamentary borough substitute "— division of the county " or "county " for "parliamentary borough."

The following persons have been objected to as not being entitled to have their names retained on the list of persons entitled in respect of residence in lodgings to be parliamentary voters for the parliamentary borough of .

Name of Person objected to in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Note.—This form applies only to lodgers on the old lodgers list who are objected to. The list of lodgers so objected to should form a separate list from that of other persons objected to.

48 Vict. c. 15.
Schedule 3.

[*Editors' Note.*] This form replaces L., No. 2, in the Act of 1878, differing therefrom in omitting a column headed "Amount of Rent paid."

No. 4.—LIST of PERSONS objected to (MUNICIPAL).

The following persons have been objected to as not being entitled to have their names retained on the burgess lists for the municipal borough of

List of persons
objected to
(burgesses).

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of

This form applies only to objections to persons whose names—
(a) where the occupiers list is made out in divisions, appear in the third division of that list; and
(b) where there is a list of burgesses made in Form F., appear in that list.

Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

FORM (M.)

DECLARATION FOR CORRECTING MISDESCRIPTION IN LIST.

I, of No. in the parish of in the parliamentary borough of in the [division of the] county of and in the municipal borough of [as the case may be], do solemnly and sincerely declare as follows:—

1. I am the person referred to in division of the list of parliamentary voters and burgesses made out in divisions [or in the list of (specifying the particular list)] made out for the parish [or township] of , by an entry as follows:—

Name as described in List.	Place of Abode as described in List.	Nature of Qualification as described in List.	Description of Qualifying Property.
Brown, John	High Street	Shop	3 Shire Lane.

Forms for Boroughs.

2. My correct name and place of abode and the correct particulars respecting my qualification are, and ought to be, stated for the purposes of the register of parliamentary voters for the parliamentary borough [or [division of the] county] of [and the burgess roll about to be made up of burgesses for the municipal borough of (as the case may be)], as follows:—

Correct Name.	Correct place of Abode.	Correct nature of Qualification.	Correct Description of Qualifying Property.
Brown, Joseph	15 High Street	House . . .	24 Shire Lane.

Dated this day of 18 .
 (Signed)

The person before whom the declaration is made should affix his official description.

Made and subscribed before
me this day
of 18 .)

A.B.

Justice of the peace for

Justice of the peace for

Note.—This form must be adapted to suit the various lists.

[Editors' Note.] This form replaces M. in the Act of 1878, being prescribed by s. 24 of that Act, p. 156. The footnote is new.

FORM (N.)

NOTICE OF WITHDRAWAL OF OBJECTION.

No. 1.—NOTICE to the PERSON objected to.

To Mr.

I hereby give you notice that I withdraw my objection to your name being retained on the list of
 † so far as regards the ground of objection numbered
 in my notice to you of such objection.†

Dated the _____ day of _____ 18 ____
(Signed) _____

No. 2.—NOTICE to the TOWN CLERK.

To the Town Clerk of

I hereby give you notice that I withdraw my objection to the name of _____ being retained on the list of _____ so far as regards the ground of objection numbered _____ in my notice to him of such objection.†

Dated the _____ day of _____ 18 ____
(Signed)

[Editors' Note.] This and the preceding form repeat N., Nos. 1 and 2, in the Act of 1878, being prescribed by s. 27 of that Act, p. 152.

The list should be referred to in the manner prescribed for the notice of objection.

**Omit the words
between crosses
if the objection
is wholly with-
drawn.**

The notice should be signed in the manner prescribed for the notice of objection.

The list should be referred to in the manner prescribed for the notice of objection.

**Omit the words
between crosses
if the objection
is wholly with-
drawn.**

The notice should be signed in the manner prescribed for the notice of objection.

48 & 49 Vict.
c. 23.

48 & 49 Vict. c. 23.

REDISTRIBUTION OF SEATS ACT, 1885.

[For sections of this Act not here given, see *post*, Part III., "Electoral Areas."]

Divided
boroughs.

* p. 278.

8.—(1.) From and after the end of this present Parliament, each of the parliamentary boroughs mentioned in the Sixth Schedule to this Act* shall for the purpose of returning members to serve for such borough in Parliament, be divided into divisions.

(2.) The number of members for each division, and the number, names, contents, and boundaries of such divisions respectively, shall be those specified in the said schedule.

(3.) Where any parliamentary borough is divided into divisions in pursuance of this section a person shall not be registered as entitled to vote, and shall not vote in more than one division.

The divided boroughs named in Sched. 6 are Battersea and Clapham, Bethnal Green, Birmingham, Bradford, Bristol, Camberwell, Finsbury, Hackney, Islington, Kensington, Hull, Lambeth, Leeds, Liverpool, Manchester, Marylebone, Newington, Nottingham, Paddington, St. Pancras, Salford, Sheffield, Shoreditch, Swansea, Tower Hamlets, West Ham, and Wolverhampton.

[9. Divisions of Counties. See this section, which contains nothing special as to registration, p. 260.]

Successive
occupation in
divided
boroughs.

10. The occupation in immediate succession of different premises situate within a parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (otherwise than as a lodger), have the same effect as if all such premises were situate in that division of the borough in which the premises occupied by such person at the end of the period of qualification are situate.

As to successive occupation in boroughs, see s. 28 of the Act of 1832, p. 19, and s. 26 of the Act of 1867, p. 42.

As to successive lodgings in same house, see s. 6 of the Act of 1878, p. 141.

Town clerk.

12. (4.) Whereas by the Municipal Corporations Act, 1882, it is enacted that if there are more mayors than one within the boundaries of a parliamentary borough, the mayor of that municipal borough to which the writ of election is directed shall be the returning officer: Be it therefore enacted, that—

In any such case the writ of election shall be directed to the mayor of that one of the municipal boroughs to the mayor of which the writ has before the passing of this Act been directed, or if it has not been directed to any such mayor, then to the mayor of that one of the municipal boroughs which has the largest population according to the last census for the time being, and in any such case the town clerk of the municipal borough, the mayor of which is the returning officer, shall be

the town clerk who, under the Registration Acts, is to receive the revised lists of parliamentary voters from the revising barrister, and is to copy and print them and to deliver the register of voters to the returning officer, and the council of the same borough shall be the council to allow the expenses of such town clerk.

48 & 49 Vict.
c. 23.

(5.) In any new borough constituted under this Act, the whole or the larger part of the area of which was before the passing of this Act comprised in the parliamentary borough of Westminster, the high bailiff of Westminster shall be the returning officer for the new borough, and also the town clerk for the new borough within the meaning of the Registration Acts

High bailiff of
Westminster.

13. (3.) For the purpose of determining the distance of the residence of any voter, and for all purposes of and incidental to the registration of voters in a parliamentary borough divided into divisions, and for the purpose of the enactments respecting the division of any such borough into polling districts, all the divisions shall be deemed to form the same parliamentary borough.

Divided
boroughs.

Provided that the lists and register of voters for the borough shall be framed, printed, and arranged in parts so as to correspond to the divisions thereof, and the voters in each division shall be numbered in a separate series.

For list of divided boroughs, see note to s. 8.

14.—(1.) In a parliamentary borough divided into divisions persons registered as freemen shall be entitled to vote—

Registration of
non-resident
freemen in
divided
boroughs.

(a) if their place of abode is in the borough, then in the division in which such place of abode is situate; and

(b) if their place of abode is not in the borough, then in the division to which such persons (in this section referred to as non-resident freemen) are allotted by the revising barrister,

and shall not be entitled in respect of the qualification of freeman to vote elsewhere than in such division, and the registration of voters shall be conducted and the register of voters arranged so as to give effect to this enactment.

(2.) The non-resident freemen shall be allotted in equal numbers so nearly as may be among the several divisions of the borough as follows:—

Allotment of
non-resident
freemen by
revising
barrister.

(a) at the first revision after the passing of this Act the revising barrister shall first settle by lot the order of the divisions of the borough for the purpose of the allotment, and then allot among such divisions the non-resident freemen, allotting to the division first in order the freemen whose names are earliest in alphabetical order, and so on with the other divisions and freemen;

(b) at every subsequent annual revision at which any non-resident freemen not on the then existing register are

48 & 49 Vict.
c. 23.

*Registration of
Non-resident
Freemen in
Divided
Borough.*

registered, the revising barrister shall allot them among the divisions in such manner as may, so nearly as may be, maintain an equal number of non-resident freemen in each division, and shall allot them according to alphabetical order by allotting those whose names are the earliest in alphabetical order to the first division (according to the order settled as aforesaid) to which at that revision any freeman is to be allotted.

This section is rendered necessary by the division of boroughs by s. 8. The case of electors, other than freemen, for such divided boroughs, is dealt with by s. 17.

(1.) *Freemen.*] As to the qualification of freemen, see s. 32 of the Reform Act, 1832, p. 21. For forms of lists, &c., of freemen, see the schedule of the Act of 1843, p. 115.

Place of Abode.] This apparently means such a place of abode or residence as confers a qualification within s. 31 of the Reform Act, 1832, upon freemen within the borough, or within seven miles of it. If such place of abode be within seven miles of the borough, the division of the freeman will be allotted to him under subs. 2 of this section.

(2.) *By lot.*] The lots should be drawn by the revising barrister himself, and should be drawn in Court, though this is not necessary. Any mode of drawing lots, which is based on pure chance, will be sufficient, the Act (which is believed to be the first Act of Parliament directing the drawing of lots) not specifying any. The drawing of folded pieces of paper, bearing the names of the several divisions, seems to be the simplest mode of casting the lots.

And then allot.] The allotment of freemen to division is not to be carried out by lot, but arithmetically, as appears from subs. (b). The intention of the statute is that each division should have an equal number of freemen. In cases where the number of the divisions cannot be divided equally by the number of non-resident freemen, the divisions later in order will each lose one freeman.

Effect of
change of
parliamentary
area on right
to vote.

17. Where a place in which the qualifying property of any voter is situate is changed from one parliamentary area to another, then on the occasion of the first registration of parliamentary voters which takes place after the passing of this Act, such voter shall, as respects his right to have his name placed on the register and other rights of registration, whether arising out of successive occupation or the occupation of the same lodgings or otherwise, stand in the same position, so far as circumstances admit, in relation to the new area as he would have stood in if this Act had been in force before the commencement of the period of qualification, and such voter had acquired his rights under the law in force at such commencement as amended by this Act and the Representation of the People Act, 1884,* and so much of the register of voters existing at the passing of this Act as relates to the new area had been a register for the new area.

* p. 59.

A place shall be deemed to be changed from one parliamentary area to another when it becomes part of a constituency of which it did not form part before the passing of this Act: and where the area of the constituency of which such place

before such change formed part becomes, after such change, part of two or more constituencies each of such two or more constituencies shall, for the purposes of this section, be deemed to have included the whole of the said area.

48 & 49 Vict.
c. 23.

This section is of very great practical importance, as without its operation persons qualified, but for this Act, to be registered in the seventy-nine boroughs which cease to return members by s. 2 of this Act, and in the old divisions of counties which cease by s. 9 of this Act, will lose altogether their right to be registered and to vote.

If any person should, by a claim to be registered in a wrong division or otherwise, fail to be registered in the right division, there is no power in the High Court, except by process of appeal, to rectify the mistake, and the vote of such a person cannot be given in any division until it has been rectified at the registration of 1886. See *re Allen*, 28 L. J. C. P. 256, cited in the note to s. 67 of the Act of 1843, p. 108; and see s. 13, sub. 3, of this Act, *supra*.

19.—(1.) The registers of voters in force in the year one thousand eight hundred and eighty-five shall continue in force until the dissolution of this present Parliament, but, notwithstanding the continuance of this present Parliament, registers of voters shall be formed in the year one thousand eight hundred and eighty-five as they will require to be formed after the end of this present Parliament, and not otherwise.

Transitory
provisions as
to registers of
voters.

(2.) Divisions of counties may be divided into polling districts at any time after the passing of this Act in like manner as they might be divided after the end of this present Parliament.

(3.) Where any act or thing has, before this Act came into operation, been done in pursuance of the Registration Acts, or in relation to polling districts or polling places, such act or thing shall be as valid as it would have been if this Act had previously thereto come into operation, and it had been done by the officer or authority and in the form and in relation to the constituency by whom, and in, and in relation to which it would have been done if this Act had previously thereto come into operation; and where any act or thing ought to have been done if this Act had come into operation before the time for doing the same, the same shall be done forthwith after this Act comes into operation, and shall be as valid as if it had been done at the time now appointed by law.

Validity of
things done in
anticipation of
this Act.

(4.) In England the clerks of the peace and town clerks shall, as soon as may be after the passing of this Act, send to the overseers on whom they have served precepts under the Registration Acts, such supplemental precepts as are necessary or desirable for instructing the overseers to carry into effect the Registration Acts in the constituencies as altered by this Act, and in municipal boroughs affected by this Act, and in particular shall, where necessary, instruct overseers as to the difference between the county and borough lists of voters, and shall direct the overseers of parishes situate in municipal boroughs, and included by this Act in parliamentary boroughs, to prepare lists of burgesses in conjunction with the lists of

Supplemental
precepts by
clerks of peace
and town
clerks to
overseers.

48 Vict. c. 15.
Schedule 3.

divisions, and to persons who claim to be entered in division one of that list, both as parliamentary voters and as burgesses.
[Editors' Note.] This form is new.

No. 2.—GENERAL LIST of CLAIMANTS (PARLIAMENTARY).

List of claimants (general).
If the parish is not in a parliamentary borough substitute "— division of the county " or " county " for " parliamentary borough."

The following persons claim otherwise than as lodgers to have their names inserted in the lists of parliamentary voters for the parliamentary borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers for the parish [or
C.D. } township] of .

Note.—This form applies to claims—
(a.) where the occupiers list is not made out in divisions; and
(b.) if the occupiers list is made out in divisions to claims by persons to be inserted in division two of that list, or in the reserved rights list.

Any claim to be omitted from the corrupt and illegal practices list shall be added to the foregoing list of claimants.

[Editors' Note.] This form replaces K., No. 1, in the Act of 1878, the footnote being new. For obligation to publish list, see s. 18 of the Act of 1843, p. 88.

No. 3.—LIST of LODGER CLAIMANTS (PARLIAMENTARY).

List of lodger claimants.
If the parish is not in a parliamentary borough substitute "— division of the county " or " county " for " parliamentary borough."

The following persons claim as lodgers to have their names inserted in the lists of parliamentary voters for the parliamentary borough of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is Paid.

(Signed) A.B. } Overseers for the parish [or
C.D. } township] of .

In this form the particulars should be copied from the claims sent in. 48 Vict. c. 15.

[*Editors' Note.*] This form replaces K., No. 2, in the Act of 1878, the footnote being new. For obligation to publish list, see s. 30 of the Act of 1867, p. 127. Schedule 3.

No. 4.—LISTS of CLAIMANTS (MUNICIPAL).

The following persons claim to have their names inserted in the burgess roll for the municipal borough of . List of claimants (burgesses).

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Any claim to be omitted from the corrupt and illegal practices list must be added to the above list.

This list need not include the names of persons who claim, where the occupiers list is made out in divisions, to be entered in division one of that list.

FORM (L.)

FORM OF LIST OF PERSONS objected to to be Published by the Overseers.

No. 1.—LIST of PERSONS objected to (PARLIAMENTARY and MUNICIPAL).

The following persons have been objected to as not being entitled to have their names retained on division one of the occupiers lists of parliamentary voters for the parliamentary borough of . and of burgesses for the municipal borough of . List of persons objected to (general). If the parish is not in a parliamentary borough substitute "— division of the county " or "county " for "parliamentary borough."

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A.B. } Overseers of the parish [or
C.D. } township] of .

Note.—This form applies only where the occupiers list is made out in

48 & 49 Vict.
c. 23, s. 30.

Dates in 1885.

Appeals in
"Michaelmas
Sittings,"
1885.

* p. 105.

† p. 94.

‡ p. 434.

(c.) In sections sixty-two and sixty-three of the Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter eighteen,* relating to appeals from revising barristers in England, "the Michaelmas sittings of "the High Court of Justice" shall be substituted for "the Michaelmas term," and forthwith after the fourth day of the Michaelmas sittings a court or courts shall sit for the purpose of hearing such appeals, and those appeals shall be heard and determined continuously and without delay, and any statement by the barrister for the purpose of any such appeal made in pursuance of section forty-two of the said Act† may be made at any time within ten days after the conclusion of the revision, so that it be made not less than four days before the first day of the said Michaelmas sittings, and the statement need not be read in open court, but shall be submitted to the appellant, who shall sign the same as directed by the said section, and return the same to the barrister.

(d.) In section five of the Ballot Act, 1872, relating to polling districts,‡ the first day of October shall be substituted for the first day of November, as respects the date at which orders relating to polling districts apply to registers of voters.

(a.) *The lists . . . shall be revised.*] In ordinary years the borough revision commences on the 15th September and terminates on the 12th October, and the county revision commences on the 15th September and terminates on the 31st October: see s. 32 of the Act of 1843, s. 33 of the Act of 1878, and s. 4, subs. 1, of the Registration Act, 1885.

The declarations.] The date for the declarations is changed to the 5th from the 14th September in counties, and from the 12th September in boroughs.

(b.) *The printed book or register.*] The seventh day of November is substituted for the last day of December, which, by s. 38 of the Act of 1867, replaced the last day of November originally fixed by ss. 47 and 48 of the Act of 1843.

After the date of such dissolution.] It follows from these words, and from s. 19, subs. 1, *ante*, that an election taking place before the dissolution, though after the formation of the new registers, will take place upon the old registers.

(c.) *"The Michaelmas Sittings."*] Michaelmas Sittings are substituted for Michaelmas Term, because, as pointed out in the note to s. 62 of the Act of 1843, p. 105, the "Sittings" commence on the 24th October, whereas the "Term" commences on the 2nd November.

31, 32. [Scotland and Ireland.]

Definitions.

33. For the purposes of this part of this Act—

The expression "present year" means the year one thousand eight hundred and eighty-five.

The expression "parliamentary county" means a county returning a member or members to serve in Parliament, and where a county is divided for the purpose of such return means a division of such county.

Other expressions in this part of this Act have, unless the context otherwise requires, the same meaning as in the Acts relating to the registration of parliamentary voters.

48 & 49 Vict.
c. 23, s. 33.

34. All provisions of any Act of Parliament inconsistent with the provisions of this part of this Act shall not apply to the lists or register of voters to be made in the present year; but, save as aforesaid, all the provisions of the Acts relating to the registration of parliamentary voters shall remain in full force.

41 & 42 Vict.
c. 26.

Temporary
repeal of
inconsistent
provisions.

48 & 49 Vict. c. 57. An Act to remove doubts as to the appointment of Revising Barristers. [6th Aug., 1885.]

48 & 49 Vict.
c. 57.

“Whereas doubts have arisen as to the judge authorized to appoint revising barristers on circuit under section twenty-eight of the Parliamentary Voters Registration Act, 1843,* and section twenty-nine of the Redistribution of Seats Act, 1885,† and it is expedient to remove such doubts:” BE IT THEREFORE ENACTED, as follows:—

* p. 86.

† p. 240.

1. The senior judge named in the commission of assize for the counties within any circuit, who actually travels that circuit or any part thereof during the summer circuit in any year, shall be the judge having power to appoint the barristers to revise the lists of voters for that year in pursuance of section twenty-eight of the Parliamentary Voters Registration Act, 1843, and that section and section twenty-nine of the Redistribution of Seats Act, 1885, shall be construed accordingly.

Senior judge
actually
travelling to
appoint
revising
barristers.

Provided that, if any such judge, before he has appointed all or any of the barristers whom he is authorized to appoint, dies or becomes unable to appoint such barristers, the senior judge named in the said commission, who actually travels the remainder of the circuit, shall be the judge having power to appoint such barristers so far as they have not been already appointed.

For the purposes of this section Birmingham shall be deemed to be part of the Midland Circuit.

Any appointment of a revising barrister heretofore made shall be deemed to have been validly made.

Validity of
appointments
before the Act.

This section shall continue in force until the end of the Summer Circuit in the year one thousand eight hundred and eighty-five and no longer; but the expiration thereof shall not affect any appointment of a revising barrister which otherwise would have been valid.

The doubts which this Act remove arose from the 12th section of the Circuits Order of June, 1884 (see Chitty's Statutes Continuation for 1884, p. 801), directing that the names of all the judges of the Supreme Court shall be placed in every commission, the effect of which appears but for this Act to be that the senior judge so commissioned, i.e. the Lord Chief Justice, as the senior judge in every commission of assize within the meaning of s. 28 of the Act of 1843 (p. 86), had the appointing power.

48 & 49 Vict.
c. 57.

The last paragraph of the section prevents the Act applying to appointments of revising barristers in the event of death, illness, or absence after the conclusion of a circuit and before the 5th September. Such appointments take place under s. 29 of the Act of 1843, p. 87, and must be made by "the senior judge in the commissions" (p. 86). After the 5th September the appointment is by the judge at chambers (Seats Act, 1885, s. 29, p. 240).

Birmingham.] For the area of the parliamentary borough of Birmingham, see p. 272. It includes portions of Staffordshire and Worcestershire, which, apart from this section, are on the Oxford Circuit.

Appointment . . . heretofore made . . . valid.] This clause gives validity to the irregular appointments of 1884, and also to such appointments in 1885 as were made before the passing of this Act.

The North Wales Division and South Wales Division form one circuit, and the senior of the two judges travelling any part of either division had the appointments.

Short titles
and con-
struction.

2. The Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter eighteen, intituled "An Act to amend the law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales," is in this Act referred to and may be cited as the Parliamentary Voters Registration Act, 1843.

* p. 74.

† p. 165.

This Act shall be construed as one with the Parliamentary Voters Registration Act, 1843,* and that Act and this Act and the Registration Act, 1885,† may be cited together as the Parliamentary Voters Registration Acts, 1843 and 1885, and this Act may be cited separately as the Revising Barristers Act, 1885.

The proper short titles of the Acts mentioned are the "Parliamentary Registration Act, 1843" (p. 140), and the "Registration Act, 1885" (p. 78).

PART III.

ELECTORAL AREAS.

	PAGE
27 Hen. 8, c. 26 . . . Counties and Boroughs in Wales	245
2 Will. 4, c. 45 . . . Reform Act, 1832	246
24 & 25 Vict. c. 112 . . . Birkenhead	253
30 & 31 Vict. c. 102 . . . Representation of the People Act, 1867	253
48 & 49 Vict. c. 23 . . . Redistribution of Seats Act, 1885	257

[N.B.—These Acts do not in themselves contain a complete list of Parliamentary Boroughs and Counties. For Table containing such list, see p. 339.]

27 Hen. 8, c. 26. An Act for Laws and Justice to be ministered in Wales in like Form as it is in this Realm.
[A.D. 1535.

27 Hen. 8, c. 26.

29. For this present Parliament, and all other Parliaments to be holden and kept for this realm one knight shall be chosen and elected to the same Parliaments for every of the shires of Brecknock, Radnor, Montgomery, and Denbigh, and for every other shire within the said country or dominion of Wales; and for every borough being a shire-town within the said country or dominion of Wales, except the shire-town of the aforesaid county of Merioneth, one burgess; and the election to be in like manner form and order, as knights and burgesses of the Parliament be elected and chosen in other shires of this realm; and the knights and burgesses, and every of them, shall have like dignity pre-eminence and privilege, and shall be allowed such fees, as other knights of the Parliament have and be allowed; and the knights fees to be levied and gathered of the commons of the shire they be elected in; and the burgesses fees be levied and gathered as well of the boroughs and shire-towns as they be burgesses of, as of all such ancient boroughs within the same shire.

Knights and burgesses for the Parliament in Wales, and their fees.

The English counties returned members to Parliament at common law, but this was not the case with the Welsh counties, which returned, and most of which still return members by virtue of this Act alone, the arrangements of which, except by the Act of 1832 giving an additional member to each of the counties of Carmarthen, Carnarvon, and Denbigh, and by the Act of 1885 dividing these counties, and also giving five members to Glamorgan (also divided), have not been disturbed by any of the three Reform Acts.

As to Welsh boroughs, which also first returned members by virtue of this Act alone, see s. 8 of the Act of 1832, and Schedule E., *post*.

The fees to which members were entitled have not been abolished, but have not been enforced for two centuries.

2 Will. 4,
c. 45.

2 Will. 4, c. 45.

REFORM ACT, 1832.

An Act to amend the Representation of the People in
England and Wales. [June 7, 1832.]

Whereas it is expedient to take effectual measures for correcting divers abuses that have long prevailed in the choice of members to serve in the Commons House of Parliament, to deprive many inconsiderable places of the right of returning members, to grant such privilege to large, populous, and wealthy towns, to increase the number of knights of the shire, to extend the elective franchise to many of his Majesty's subjects who have not heretofore enjoyed the same, and to diminish the expense of elections; BE IT THEREFORE ENACTED, That each of the boroughs enumerated in the Schedule marked (A.) to this Act annexed * (that is to say), shall from and after the end of this present Parliament cease to return any member or members to serve in Parliament.

Certain
boroughs to
cease to send
members to
Parliament.
* p. 249.

What
boroughs
to return one
member only.

2. Each of the boroughs enumerated in the Schedule marked (B.) to this Act annexed (that is to say), Petersfield,* Ashburton, Eye,* Westbury,* Wareham,* Midhurst,* Woodstock,* Wilton,* Malmesbury,* Liskeard,* Reigate, Hythe, Droitwich,* Lyme Regis, Launceston,* Shaftesbury,* Thirsk,* Christchurch, Horsham,* Great Grimsby, Calne,* Arundel, St. Ives,* Rye,* Clitheroe,* Morpeth, Helston,* North Allerton,* Wallingford,* and Dartmouth, shall from and after the end of this present Parliament return one member and no more to serve in Parliament.

Boroughs marked * ceased as such by the Act of 1885. See s. 2 and Sched. 1 of that Act.

Reigate was disfranchised for corruption by the Act of 1867.

New boroughs
to return two
members.

3. Each of the places named in the Schedule marked (C.) to this Act annexed (that is to say), Manchester,* Birmingham,* Leeds,* Greenwich, Sheffield,* Sunderland, Devonport, Wolverhampton,* Tower Hamlets,* Finsbury, Mary-le-bone, Lambeth, Bolton, Bradford,* Blackburn, Brighton, Halifax, Macclesfield,* Oldham, Stockport, Stoke-upon-Trent,* and Stroud, shall for the purposes of this Act be a borough, and shall as such borough include the place or places respectively which shall be comprehended within the boundaries of such borough, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith; and that each of the said boroughs named in the said Schedule (C.) shall from and after the end of this present Parliament return two members to serve in Parliament.

Boroughs marked * were divided, and their members were increased by the Act of 1885. Macclesfield was disfranchised for corruption by the Act of

1885, and Stoke-upon-Trent lost one member by the same Act. The boundaries of Manchester, Birmingham, Bradford, Blackburn, Oldham, and Stoke-upon-Trent were also altered by the same Act.

2 Will. 4,
c. 45.

4. Each of the places named in the Schedule marked (D.) to this Act annexed (that is to say), Ashton-under-Lyne, Bury, Chatham, Cheltenham, Dudley, Frome, Gateshead, Huddersfield, Kidderminster, Kendal,* Rochdale, Salford,* South Shields, Tynemouth, Wakefield, Walsall, Warrington, Whitby,* Whitehaven, and Merthyr Tydvil, shall for the purposes of this Act be a borough, and shall as such borough include the place or places respectively which shall be comprehended within the boundaries of such borough, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act, as fully and effectually as if the same were incorporated herewith; and that each of the said boroughs named in the said Schedule (D.) shall from and after the end of this present Parliament return one member to serve in Parliament.

New boroughs
to return one
member.

Of these boroughs, Kendal and Whitby ceased to return members by virtue of the Act of 1885, s. 2, and Schedule 1, *post*; and Salford gained two additional members by virtue of s. 5, and Schedule 3, of the same Act, *post*.

The remaining boroughs remain unaffected by subsequent legislation, except that the boundaries of Ashton-under-Lyne, Cheltenham, and Wakefield were altered by s. 7 of the Act of 1885, and Schedule 5.

[5. *Boroughs of Shoreham, Cricklade, Aylesbury, and East Retford to include certain adjacent districts.* These boroughs, popularly known as the Hundred Boroughs, ceased to exist as such by virtue of s. 12 of the Act of 1885, and Schedule, *post*.]

6. The borough of Weymouth and Melcombe Regis shall from and after the end of this present Parliament return two members, and no more, to serve in Parliament; and that the borough of Penryn, shall for the purposes of this Act include the town of Falmouth; and that the borough of Sandwich shall for the purposes of this Act include the parishes of Deal and Walmer.

Weymouth
and Melcombe
Regis to return
two members
only, &c.

Of these boroughs, Weymouth ceased to exist, Penryn lost one member, and Sandwich was disfranchised for corruption, by the Act of 1885.

7. Every city and borough in England which now returns a member or members to serve in Parliament, and every place sharing in the election therewith (except the several boroughs enumerated in the said Schedule (A.), and except the several boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford), shall, and each of the said boroughs of Penryn and Sandwich also shall, for the purposes of this Act, include the place or places respectively which shall be comprehended within the boundaries of every such city, borough, or place, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith.

Boundaries of
existing
boroughs in
England to
be settled.

The Boundary Act so passed is 2 & 3 Will. 4, c. 64.

2 Will. 4,
c. 45.

Places in Wales
to have a share
in elections for
the shire-
towns.

Boundaries of
shire-towns
and places in
Wales to be
settled.

8. Each of the places named in the first column of the Schedule (E.) to this Act annexed shall have a share in the election of a member to serve in all future Parliaments for the shire-town or borough which is mentioned in conjunction therewith, and named in the second column of the said Schedule (E.).

This arrangement of Welsh borough representation remains unaffected by subsequent statutes, with the exception that Cardigan district ceased to return a member by virtue of s. 2 of the Act of 1885.

9. Each of the places named in the first column of the said Schedule (E.), and each of the shire-towns or boroughs named in the second column of the said Schedule (E.), and the borough of Brecon, shall for the purposes of this Act include the place or places respectively which shall be comprehended within the boundaries of each of the said places, shire-towns, and boroughs respectively, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith.

The Boundary Act so passed is 2 & 3 Will. 4, c. 64.

Swansea.

10. Each of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig shall for the purposes of this Act include the place or places respectively which shall be comprehended within the boundaries of each of the said towns, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith; and that the said five towns, so including as aforesaid, shall for the purposes of this Act be one borough, and shall as such borough, from and after the end of this present Parliament, return one member to serve in Parliament; and that the portreeve of Swansea shall be the returning officer for the said borough; and that no person, by reason of any right accruing in any of the said five towns, shall have any vote in the election of a member to serve in any future Parliament for the borough of Cardiff.

The "district" borough of Swansea herein incorporated gained one additional member by virtue of s. 5 of the Act of 1885 and Sched. 3, and was divided by s. 8 and Sched. 6 of the same Act.

[11. Description of the returning officers for the new boroughs. See this section, *post*, Part V., "The Election."]

[12-14. *Six knights of the shire for Yorkshire: two for each riding. Four knights of the shire for Lincolnshire. Counties of Cheshire, Cornwall, Cumberland, Derbyshire, Devonshire, Durham, Essex, Gloucestershire, Kent, Hampshire, Lancashire, Leicestershire, Norfolk, Northumberland, Northamptonshire, Shropshire, Somersetshire, Staffordshire, Suffolk, Surrey, Sussex, Warwickshire, Wiltshire, and Worcestershire to be divided, and to return two knights of the shire for each division.*—Superseded by Act of 1885. See s. 9 of that Act and Sched. 7.]

15. In all future Parliaments there shall be three knights of the shire, instead of two, to serve for each of the counties enumerated in the Schedule marked (F. 2.) to this Act annexed, and two knights of the shire, instead of one, to serve for each of the counties of Carmarthen, Denbigh, and Glamorgan.

2 Will. 4,
c. 45.

Certain counties to return three knights of the shire.

The counties enumerated in Schedule (F. 2.) are Berkshire, Buckinghamshire, Cambridgeshire, Dorsetshire, Herefordshire, Hertfordshire, and Oxfordshire, the representation of which is now regulated by the Act of 1885.

16. The Isle of Wight in the county of Southampton shall for the purposes of this Act be a county of itself, separate and apart from the county of Southampton, and shall return one knight of the shire to serve in every future Parliament; and that such knight shall be chosen by the same classes and descriptions of voters, and in respect of the same several rights of voting, as any knight of the shire shall be chosen in any county in England; and that all elections for the said county of the Isle of Wight shall be holden at the town of Newport in the Isle of Wight, and the sheriff of the Isle of Wight, or his deputy, shall be the returning officer at such elections.

Isle of Wight severed from Hampshire, to return a member.

17. For the purpose of electing a knight or knights of the shire to serve in any future Parliament, the east riding of the county of York, the north riding of the county of York, the parts of Lindsey in the county of Lincoln, and the several counties at large enumerated in the second column of the Schedule marked (G.) to this Act annexed, shall respectively include the several cities and towns, and counties of the same, which are respectively mentioned in conjunction with such ridings, parts, and counties at large, and named in the first column of the said Schedule (G.).

Towns which are counties of themselves to be included in adjoining counties for county elections.

Compare s. 2 and Sched. 1, Part II., of the Act of 1885.

[18-82. For the remaining unrepealed sections of this Act see *ante*, Part II., "Qualification of Electors," and *post*, Part V., "The Election."]

SCHEDULES to which the foregoing Act refers.

Section 1.

SCHEDULE (A.)

BOROUGHES.

Old Sarum.	West Looe.	Queenborough.
Newtown.	St. Germain's.	Castle Rising.
St. Michael's or Mid-	Newport.	East Grinstead.
shall.	Blechingley.	Higham Ferrers.
Gatton.	Aldborough.	Wendover.
Bramber.	Camelford.	Weobly.
Bossiney.	Hindon.	Winchelsea.
Dunwich.	East Looe.	Tregony.
Ludgershall.	Corfe Castle.	Haslemere.
St. Mawe's.	Bedwin (Great).	Saltash.
Beeralston.	Yarmouth.	Orford.

2 Will. 4,
c. 45.

SCHEDULE (A.)—*continued.*

BOROUGHS—*continued.*

Callington.	Seaford.	Aldeburgh.
Newton.	Heytesbury.	Minehead.
Ilchester.	Steyning.	Bishop's Castle.
Boroughbridge.	Whitchurch.	Okehampton.
Stockbridge.	Wootton Bassett.	Appleby.
Romney (New).	Downton.	Lostwithiel.
Hedon.	Fowey.	Brackley.
Plympton.	Milborne Port.	Amersham.

Section 2.

SCHEDULE (B.)

BOROUGHS.

Ashburton.	Christchurch.	Arundel.
Hythe.	Great Grimsby.	Dartmouth.
Lyme Regis.		

Section 3.

SCHEDULE (C.)

BOROUGHS.

Manchester (Lancashire).	Lambeth (Surrey).
Birmingham (Warwickshire).	Bolton (Lancashire).
Leeds (Yorkshire).	Bradford (Yorkshire).
Greenwich (Kent).	Blackburn (Lancashire).
Sheffield (Yorkshire).	Brighton (Sussex).
Sunderland (Durham).	Halifax (Yorkshire).
Devonport (Devonshire).	Macclesfield (Cheshire).
Wolverhampton (Staffordshire).	Oldham (Lancashire).
Tower Hamlets (Middlesex).	Stockport (Cheshire).
Finsbury (Middlesex).	Stoke-upon-Trent (Staffordshire).
Mary-le-bone (Middlesex).	Stroud (Gloucestershire).

Section 4.

SCHEDULE (D.)

BOROUGHS.

Ashton-under-Lyne (Lancashire).	Rochdale (Lancashire).
Bury (Lancashire).	Salford (Lancashire).
Chatham (Kent).	South Shields (Durham).
Cheltenham (Gloucestershire).	Tynemouth (Northumberland).
Dudley (Worcestershire).	Wakefield (Yorkshire).
Frome (Somersetshire).	Walsall (Staffordshire).
Gateshead (Durham).	Warrington (Lancashire).
Huddersfield (Yorkshire).	Whitby (Yorkshire).
Kidderminster (Worcestershire).	Whitehaven (Cumberland).
Kendal (Westmoreland).	Merthyr Tydvil, Glamorganshire.

SCHEDULE (E.)

2 Will. 4,
c. 45

Section 8.

Places sharing in the Election of Members.	Shire-towns or Principal Boroughs.	County in which such Boroughs are situated.
Amlwch, Holyhead Llangefni	Beaumaris ..	Anglesey.
Aberystwith Lampeter Adpar	Cardigan ..	Cardiganshire.
Llanelly sharing with	Carmarthen ..	Carmarthenshire.
Pwllheli Nevin Conway Bangor Criccieth	Caernarvon ..	Caernarvonshire.
Ruthin Holt Town of Wrexham	Denbigh ..	Denbighshire.
Rhyddlan Overton Caerwys Caergwrley St. Asaph Holywell Mold	Flint	Flintshire.
Cowbridge Llantrissant	Cardiff	Glamorganshire.
Llanidloes Welsh Pool Machynlleth Llanfyllin Newtown	Montgomery ..	Montgomeryshire.
Narberth Fishguard	Haverfordwest	Pembrokeshire.
Tenby Wiston Town of Milford	Pembroke ..	Pembrokeshire.
Knighton Rhayder Kevinleece Knucklas Town of Presteigne	Radnor	Radnorshire.

2 Will. 4,
c. 45.

SCHEDULE (E. 2.)

Places sharing in the Election of Members.	Places therein from which the Seven Miles are to be calculated.
Newport	The Market Place.
Usk	The Town Hall.
Aberystwith .. .	The Bridge over the Rheidal.
Lampeter	The Parish Church.
Adpar	The Bridge over the Teivi.
Pwllheli	The Guildhall.
Nevin	The Parish Church.
Conway	The Parish Church.
Criccieth	The Castle.
Ruthin	The Parish Church called St. Peter's.
Holt	The Parish Church.
Rhyddlan	The Parish Church.
Overton	The Parish Church.
Caerwys	The Parish Church.
Caergwrley	The Parish Church of Hope.
Cowbridge	The Town Hall.
Llantrissant	The Town Hall.
Tenby	The Parish Church.
Wiston	The Parish Church.
Knighton	The Parish Church.
Rhayder	The Market Place.
Kevinleece	The Parish Church.
Knucklas	The site of the ancient Castle of Cnweglas.
Swansea	The Town Hall.
Loughor	The Parish Church.
Neath	The Town Hall.
Aberavon	The Bridge over the Avon.
Ken-fig	The Parish Church of Lower Ken-fig.

SCHEDULE (G.)

Cities and Towns and Counties thereof.	Counties at large in which Cities and Towns and Counties thereof are to be included.
Carmarthen	Carmarthenshire.
Canterbury	Kent.
Chester	Cheshire.
Coventry	Warwickshire.
Gloucester	Gloucestershire.
Kingston-upon-Hull	East Riding of Yorkshire.
Lincoln	The Parts of Lindsey, Lincoln- shire.
London	Middlesex.
Newcastle-upon-Tyne	Northumberland.
Poole	Dorsetshire.
Worcester	Worcestershire.
York and Ainsty	North Riding of Yorkshire.
Southampton	Hampshire.

24 & 25 Vict. c. 112. An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Albans.

24 & 25 Vict.
c. 112.

[15th August, 1867.]

[2-7. *Division of West Riding of Yorkshire: Southern Division of Lancashire to return three members instead of two.*—Superseded by s. 9 and Sched. 7 of Act of 1885, *post.*]

9. Birkenhead in the county of Cheshire, shall for the purpose of this Act, be a borough, and from and after the 1st day of December, 1861, return one member to serve in Parliament; it shall as such borough include the places following; that is to say, the extra-parochial chapelry of Birkenhead, the several townships of Cloughton, Tranmere, and Oxton, and so much of the township of Higher Bebbington as lies to the eastward of the road leading from Higher Tranmere to Lower Bebbington.

Birkenhead.

These boundaries remain unaltered.

30 & 31 Vict. c. 102.

30 & 31 Vict.
c. 102.

REPRESENTATION OF THE PEOPLE ACT, 1867.

An Act further to amend the Laws relating to the Representation of the People in England and Wales.

[6th August, 1861.]

Whereas it is expedient to amend the laws relating to the Representation of the People in England and Wales: BE IT ENACTED, as follows:—

1. This Act shall be cited for all purposes as “The Representation of the People Act, 1867.”

Short title.

2. This Act shall not apply to Scotland or Ireland, nor in anywise affect the election of members to serve in Parliament for the Universities of Oxford or Cambridge.

Application
of Act.

PART I.

FRANCHISES.

[3-11. See these sections, *ante*, p. 35, Part I., “Qualification of Electors.”]

[12. Boroughs of Totnes, Reigate, Yarmouth, and Lancaster to cease to return members after end of present Parliament.]

For re-establishment of Great Yarmouth as a borough returning one member, see s. 6 and Sched. 4 of the Act of 1885.

[13-16. *Disfranchisement of electors in the above disfranchised boroughs.* See these sections (repealed by the Act of 1885), *ante*, Part I., “Qualification of Electors.”]

30 & 31 Vict.
c. 102.

PART II.

DISTRIBUTION OF SEATS.

Boroughs to
return one
member each.

17. From and after the end of this present Parliament, no borough which had a less population than ten thousand at the census of one thousand eight hundred and sixty-one shall return more than one member to serve in Parliament, such boroughs being enumerated in Schedule (A.) to this Act annexed.

[18. *Manchester, Liverpool, Birmingham, and Leeds to return three members each.* For increased numbers, see Act of 1885, s. 8, and Sched. 6.]

New borough:
Chelsea.

19. Each of the places named in Schedule (B.) to this Act annexed shall be a borough, and, until otherwise directed by Parliament, each such borough shall comprise such places as are specified and described in connection with the name of each such borough in the said Schedule (B.); and in all future Parliaments the borough of Chelsea, named in the said schedule, shall return two members, and each of the other boroughs named in the said schedule shall return one member to serve in Parliament.

Registers of
voters for
new boroughs.

20. Registers of voters shall be formed in and after the year one thousand eight hundred and sixty-eight, notwithstanding the continuance of this present Parliament, for or in respect of the boroughs constituted by this Act, in like manner as if before the passing of this Act they respectively had been boroughs returning members to serve in Parliament.

Merthyr
Tydfil, Salford,
and Tower
Hamlets.

21. From and after the end of the present Parliament, the boroughs of Merthyr Tydfil and Salford shall each return two members instead of one to serve in future Parliaments; and the borough of the Tower Hamlets shall be divided into two divisions, and each division shall in all future Parliaments be a separate borough returning two members to serve in Parliament.

The said divisions shall be known by the name of the borough of Hackney and the borough of the Tower Hamlets and, until otherwise directed by Parliament, shall comprise the places mentioned in connection with each such borough in Schedule (C.) hereto annexed.

Salford is divided into three divisions by the Act of 1885. Hackney is divided into three, and the Tower Hamlets into seven divisions by the Act of 1885.

Registers of
voters for
Hackney and
Tower
Hamlets.

22. Registers of voters shall be formed in and after the year one thousand eight hundred and sixty-eight, notwithstanding the continuance of this present Parliament, in respect of the said boroughs of Hackney and of the Tower Hamlets constituted under this Act in like manner as if such divisions had previously

to the passing of this Act been separate boroughs returning members to serve in Parliament. 30 & 31 Vict.
c. 102.

[23. *Cheshire, Derbyshire, Devonshire, Essex, West Kent, North Lancashire, South Lancashire, Lincolnshire, Norfolk, Somersetshire, Staffordshire, East Surrey, and Yorkshire, each division to return two members.*—Superseded by Act of 1885. See s. 9 of that Act, and Sched. 7, p. 260.]

24. In all future Parliaments the University of London shall return one member to serve in Parliament. University of
London.

25. Every man whose name is for the time being on the register of graduates constituting the convocation of the University of London shall, if of full age, and not subject to any legal incapacity, be entitled to vote in the election of a member to serve in any future Parliament for the said university. Electors for
University of
London.

[For remaining sections of this statute, see Parts I., II., and V.]

SCHEDULES.

SCHEDULE (A.)

Section 17.

Boroughs to return One Member only in future Parliaments (a).

Honiton.	Stamford.	Huntingdon.	Great Marlow.
Thetford.	Chipping Wy-	Maldon.	Devizes.
Wells.	combe	Buckingham.	Hertford.
Evesham.	Poole.	Newport (Isle of	Dorchester.
Marlborough.	Knaresborough.	Wight.	Lichfield.
Harwich.	Andover.	New Malton.	Cockermouth.
Richmond.	Leominster.	Tavistock.	Bridgnorth.
Lymington.	Tewkesbury.	Lewes.	Guildford.
Chippenham.	Ludlow.	Cirencester.	Chichester.
Bridport.	Ripon.	Bodmin.	Windsor.

(a) Of these boroughs, Honiton, Thetford, and Wells ceased to return members before the Act of 1885; and of the remainder all but Windsor, by virtue of s. 2, of the Act of 1885.

30 & 31 Vict.
c. 102.

Section 19.,

SCHEDULE (B.)

New Boroughs.

County.	Places to be Boroughs.	Temporary Contents of Boundaries (a).
MIDDLESEX ..	Chelsea (b)	
DURHAM	Darlington (c)	
	The Hartlepoons	
	Stockton	
KENT	Gravesend	
LANCASHIRE ..	Burnley	
LANCASHIRE AND CHESHIRE .. }	Staleybridge (c)	
STAFFORDSHIRE ..	Wednesbury (c)	
YORKSHIRE, NORTH RIDING }	Middlesborough	
Do. WEST RIDING	Dewsbury	

(a) The boundaries were settled by the Boundaries Act, 1868, 31 & 32 Vict. c. 46.

(b) Electoral area divided into five by Act of 1885. Chelsea itself established as a new borough by the same

Act, and also Fulham, Hammersmith, and Kensington (see p. 270), Kensington having two divisions (see p. 282).

(c) Boundaries altered by Act of 1885, see p. 272.

48 & 49 Vict. c. 23.

48 & 49 Vict.
c. 23.

REDISTRIBUTION OF SEATS ACT, 1885.

An Act for the Redistribution of Seats at Parliamentary Elections, and for other purposes. [25th June, 1885.]

Preliminary.

BE IT ENACTED as follows:

1. This Act may be cited as the Redistribution of Seats Act, Short title. 1885.

This Act effects a greater change than that effected by either the Act of 1832 or the Act of 1867, many more and much larger boroughs being deprived of members, and many more members being given to the counties, this alteration being made necessary by the great increase in the number of county electors resulting from the additional qualifications—(1) by the occupation of a dwelling-house, and (2) by the occupation of lodgings conferred by the Representation of the People Act, 1884, p. 59. The net result of the Act in this respect is to give the boroughs in England 237 instead of 297 members, and the counties in England 253 members instead of 187.

Another very great change effected by the Act is the introduction of what is called the "Single Seat System" into counties as well as into a large number of boroughs, whereby a larger electoral area returning two or three members is replaced by a smaller one returning one member only.

The representation of the English counties, except the Isle of Wight, is constituted wholly by this Act; that of the English boroughs is constituted partly by this Act, partly by the Act of 1867, partly by the Act of 1832, and partly by the common law; that of the Welsh counties and boroughs chiefly by 27 Hen. 8, c. 26, p. 244.

For complete table of Parliamentary boroughs and counties in England and Wales, see p. 339.

PART I.

REDISTRIBUTION.

Boroughs.

2. From and after the end of this present Parliament the Parliamentary boroughs named in the first part of the first schedule to this Act* shall cease as boroughs to return any member.

Boroughs in first schedule to cease to return members.

Each of the counties of cities and towns in the second part of the said schedule named shall, for the purpose of Parliamentary elections, be included in the county at large named opposite thereto in that part of the said schedule.

* p. 267.

The boroughs named in Part I. of Sched. 1, p. 267, which are 79 in number in England, had not 15,000 inhabitants.

The voters for such boroughs will become voters for the division of the county in which such borough is situate. See s. 17, *post*.

As to counties of cities and towns, compare s. 17 of the Reform Act, 1832,

48 & 49 Vict.
c. 23, s. 2.

*Boroughs to
Cease.*

p. 249. Without such a provision as that of this section, the counties in question would be included in the general term "county."

From and after the end of this present Parliament.] In law, any Parliament may be dissolved at any time, and by the Septennial Act, 1 Geo. 1, s. 2, c. 38, *post*, Part V., "The Election," Parliaments continue for seven years and no longer, unless sooner dissolved. Special provision is made by s. 30 of this Act for a dissolution in such time as to admit of an election taking place upon the registers to be formed in 1885 and any time after November 7th; but there is no necessity in law for the Crown to dissolve any sooner than as required by the Septennial Act, nor, on the other hand, to postpone a dissolution until an election can take place under the new registers. As, however, under this and other sections of this Act, the majority of existing Parliamentary boroughs and counties are abolished as such, and such abolition carries with it the abolition of the registers for such counties and boroughs, a dissolution in the period intervening between such abolition and the formation of the new registers would have the absurd practical result that an election could take place only upon such registers as applied to Parliamentary counties and boroughs left undisturbed by this Act, and therefore no such dissolution is expected to take place in fact, although it would be perfectly valid in law.

Disfranchise-
ment of
Macclesfield
and Sandwich
for corruption.

3. Whereas commissioners appointed in the year one thousand eight hundred and eighty, in pursuance of addresses to her Majesty from both Houses of Parliament in relation to Parliamentary elections for the Parliamentary boroughs named in the third part of the first schedule to this Act, reported in that year that corrupt practices had extensively prevailed in the said boroughs at such elections, be it therefore enacted as follows:—

After the passing of this Act each of the Parliamentary boroughs named in the third part of the first schedule to this Act shall cease to be entitled to return any member.

Macclesfield and Sandwich are the boroughs named in Sched. 1, Part III.

As to disfranchisement of certain persons in Macclesfield and Sandwich, and also in Boston, Canterbury, Chester, Gloucester, Knaresborough, and Oxford, for corrupt practices, see s. 28 and Sched. 8, *ante*, Part I., p. 73.

As to re-enfranchisement of certain other persons disfranchised by corrupt practices, see s. 27 and Sched. 8, Part I.

Great Yarmouth, which was disfranchised in 1867 by s. 12 of the Act of 1867, is re-enfranchised by this Act.

Writs for Boston, Canterbury, Chester, Gloucester, Macclesfield, Oxford, and Sandwich were suspended by successive Acts, of which the latest in date was the Corrupt Practices (Suspension of Elections) Act, 1884, 47 & 48 Vict. c. 78. Of these, Macclesfield and Sandwich are disfranchised by this Act, and the others lose one member.

Boroughs to
have numbers
of members
reduced.

4. From and after the end of this present Parliament the City of London shall return two members, and no more, and each of the Parliamentary boroughs named in the second schedule to this Act shall return one member, and no more.

The city of London heretofore returned four members, and by s. 10 of the Act of 1867, p. 40, at a contested election no person might vote for more than three candidates. By s. 46 of the Act of 1867, p. 43, persons are entitled to be registered if resident within 25 miles of the city of London: This Act increases the number of members for the Metropolitan District from 22 to 59.

The boroughs named in the second schedule, which number 36 in England, had not a population of 50,000 inhabitants.

5. From and after the end of this present Parliament each of the Parliamentary boroughs named in the third schedule to this Act * shall return the number of members named opposite to such borough in the said schedule.

48 & 49 Vict.
c. 23.

Boroughs to
have additional
members.

* p. 269.

The boroughs named in the third schedule, which number 13 in England, are each of them divided into several divisions, of which each division is to return one member only, by s. 8, and Sched. 6.

6. From and after the end of this present Parliament each of the towns and places named in the fourth schedule to this Act † shall be a Parliamentary borough, and return the number of members specified opposite thereto in the said schedule: and each such new Parliamentary borough shall include the places and be comprised within the boundaries specified opposite thereto in the said schedule; and any Parliamentary borough existing at the passing of this Act, which is wholly or as regards the greater part thereof in extent comprised within the metropolis, and within the boundaries of any Parliamentary borough or boroughs constituted by this section, shall, from and after the end of this present Parliament, cease to exist as a borough.

New boroughs.

† p. 270.

The towns and places named in the fourth schedule, which number 33 in England, are divided, in cases where they return more than one member, into several divisions, of which each division is to return one member only, by virtue of s. 8 and Sched. 6.

7.—(1.) From and after the end of this present Parliament each of the Parliamentary boroughs named in the fifth schedule to this Act ‡ shall for all purposes of and relating to Parliamentary elections include the places and be comprised within the boundaries which are respectively specified and described in the said schedule, and shall not include the places which are either therein specified and described as excluded, or are included by this Act in any other Parliamentary borough.

Boroughs
with their
boundaries
altered.

‡ p. 272.

(2.) Where, by virtue of this section, any area is added to a borough being a county of a city or of a town in which freeholders are entitled to vote for the borough, that area shall, for all purposes of and relating to Parliamentary elections held after the end of this present Parliament, form part of the county of a city or town, and not of the county at large of which it has heretofore formed part.

The boroughs named in the fifth schedule number 42 in England.

The boundaries of the boroughs not so named remain as settled by the Boundary Acts of 1832 and 1868: 2 Will. 4, c. 64, and 31 & 32 Vict. c. 46.

8.—(1.) From and after the end of this present Parliament each of the Parliamentary boroughs mentioned in the sixth schedule to this Act § shall, for the purpose of returning members to serve for such borough in Parliament, be divided into divisions.

Division of
Parliamentary
boroughs.

§ p. 278.

(2.) The number of members for each division, and the

48 & 49 Vict.
c. 25, s. 8.

*Divided
Boroughs.*

Polls on same
day.

* pp. 440, 442.

number, names, contents, and boundaries of such divisions respectively, shall be those specified in the said schedule.

(3.) Where any Parliamentary borough is divided into divisions in pursuance of this section a person shall not be registered as entitled to vote and shall not vote in more than one such division.

(4.) At a general Parliamentary election the polls (if any) for the divisions in a divided borough shall be taken on the same day, such day to be fixed by the returning officer of the borough, but nothing in this sub-section shall be taken to enlarge or extend the discretion vested in him by the Ballot Act, 1872, as to fixing the day of poll.*

As to day of nomination, &c., see s. 13, p. 517.

The boroughs named in the sixth schedule, which number 28 in England, are all the boroughs in England (except the city of London, which returns two members by s. 4) which return more than one member *under this Act*. The Universities of Oxford and Cambridge continue to return two members, *as at common law*, and so do Bath, Brighton, Blackburn, Bolton, Plymouth, Preston and some others.

The almost complete introduction of what is called the "Single Seat System" by this and the next section constitutes the leading feature of this Act. At common law the representation was by two members, and this principle of double representation, though broken in upon by 27 Hen. 8, c. 26, p. 244 (as to Wales) and by the Acts of 1832 and 1867, has hitherto remained the greatly prevailing one.

Counties.

Division of
counties.

† p. 293.

9.—(1.) From and after the end of this present Parliament, each of the counties at large named in the seventh schedule to this Act † shall return the number of members in that behalf named in the said schedule; and for the purpose of returning such members, if more than one, shall be divided into the same number of divisions as the number of members; and each division shall return one member; and the divisions (if any) of such county existing at the passing of this Act for the purpose of Parliamentary elections shall cease.

Nomenclature.

(2.) The names, contents, and boundaries of such divisions respectively shall be those specified in the said schedule, and any name placed before the description of a division shall be the name of the division, and where the names of the divisions are in the alternative, the division may be designated by both or either of such names for all purposes.

Each division
a separate
constituency. }

(3.) Subject to the provisions of this Act the members for each such division of a county shall be elected by persons qualified in the same manner, and the nomination and other proceedings at Parliamentary elections for such division shall be conducted in the same manner as if such division were a separate constituency, and the law relating to Parliamentary elections shall apply to each such division as if it were a separate county.

The counties named in the seventh schedule are all the Parliamentary counties in England except the Isle of Wight, Rutland and the Isle of Wight

(p. 249) being the only counties not divided. In Wales the divided counties are Carmarthen, Carnarvon, Denbigh, and Glamorgan, the other Welsh counties being undivided. See p. 245.

48 & 49 Vict.
c. 23.

As to introduction of the "Single Seat System," see note to last section. Hitherto all the counties named in the seventh schedule returned two members at the least, many of them being divided into divisions, each division returning in most cases two members apiece. See s. 14 of the Act of 1832 and s. 23 of the Act of 1867.

Nomination, &c.] It follows from sub-s. 3 that the election for each division may be held, and the poll taken on a separate day.

PART II.

SUPPLEMENTAL PROVISIONS.

10. The occupation in immediate succession of different premises situate within a Parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (otherwise than as a lodger), have the same effect, as if all such premises were situate in that division of the borough, in which the premises occupied by such person at the end of the period of qualification are situate.

Successive
occupation in
divided
borough.

See this section and note, *ante*, Part I., p. 72.

11. The borough of Warwick shall be called Warwick and Leamington.

Warwick and
Pembroke.

The law relating to the elections for the Parliamentary borough of Pembroke shall apply as if the places comprised in the area of the present Parliamentary borough of Haverfordwest were named in the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five, as places sharing in the election of a member for Pembroke, and the borough shall be called Pembroke and Haverfordwest.

See s. 8 of 2 Will. 4, c. 45, and Sched. E., *ante*, p. 251.

[12, 13. Returning officers in boroughs constituted under this Act, and in boroughs divided by this Act.

Returning
officers.

See these sections, *post*, Part V., "The Election," and for parts of the sections relating to Registration, see also *ante*, Part II., "Registration of Electors."]

[14 Registration of freemen in divided borough.

See this section, *ante*, p. 237, Part II., "Registration of Electors."]

15. For the purposes of the provision of the schedule to the Corrupt and Illegal Practices Prevention Act, 1883, with respect to the voting of any paid election agent, sub-agent, polling agent, clerk, or messenger, a Parliamentary borough divided into divisions shall be deemed to form one borough, and any such agent, clerk, or messenger employed for payment at an

Adaptation of
Corrupt
Practices Act
to divided
borough.

48 & 49 Vict.
c. 23.

election for any division may not vote in any other division of the borough.

[16. Place of election.

See this section, Part V., "The Election."]

[17. Savings of rights of voters on change of Parliamentary area.

See this section, *ante*, Part II., "Registration of Electors."]

Detached parts
of parishes.

18. Any such constitution of new parishes or division or alteration of boundaries of parishes made for poor law purposes by or in pursuance of any Act of Parliament, as has come into operation on or before the twenty-sixth day of March one thousand eight hundred and eighty-five, and any alteration of the boundary of a county which is incidental to such constitution, division, or alteration, shall have effect also for all purposes of the law relating to Parliamentary elections for any future Parliament.

[19. Formation of register in year 1885.

See this section, *ante*, Part II., "Registration of Electors."]

Marking of
boundaries
where they
do not follow
well-defined
lines.

20.—(1.) Where the boundary of a Parliamentary borough or division of a borough does not follow the boundary of a parish or township, or other well-defined line of demarcation, the local authority having power to divide such borough into polling districts shall, as soon as may be after the passing of this Act, cause the several points of deviation of the boundary to be marked by means of boundary stones, posts, or other marks, which shall from time to time be maintained and renewed by such local authority.

(2.) For the purposes of this section, any officer authorized in that behalf by the local authority, may, by himself and his workmen, enter upon any lands, doing as little damage as possible, and making compensation for such damage, the amount of such damage to be determined in case of dispute in manner provided by the Lands Clauses Consolidation Acts, with respect to disputed compensation for land.

(3.) All expenses properly incurred by a local authority in pursuance of this section shall be defrayed as part of the expenses of the town clerk in the registration of voters for the Parliamentary borough.

Adaptation of
writs.

21. All writs to be issued for Parliamentary elections, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, or relating to Parliamentary elections or the registration of voters, shall be framed and expressed in such manner and form as may be necessary for carrying into effect the provisions of this Act, and of the Representation of the People Act, 1884.

22. Subject to the provisions of this Act, the law now in force relating to Parliamentary elections shall remain in full force, and shall apply, as nearly as circumstances admit, to any constituency authorized by this Act to return a member or members to Parliament as if it had heretofore returned such members to Parliament.

48 & 49 Vict.
c. 23.

Election laws
to remain in
force.

23. In the schedules to this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

Definition of
expressions in
schedules.

The expression "county" means a county at large.

The expression "sessional division" means a county petty sessional division as existing on the first day of January, one thousand eight hundred and eighty-five, exclusive of any municipal borough having a separate commission of the peace which is geographically situate within that division, and a "county petty sessional division" means any division of a county, or of a riding, division, or parts of a county, in and for which division petty sessions or special sessions are usually held, whether in one or more place or places in accordance with any Act of Parliament, custom, or otherwise.

"Sessional
division."

All towns corporate and places, which are not included in a sessional division as above defined and are not expressly mentioned in the schedules to this Act, shall be considered as included in the sessional division which they adjoin, or if they adjoin more than one sessional division, then in the sessional division with which they have the longest common boundary.

Where a parish, townland, or other place with a definite boundary, whether larger or smaller than a parish or townland, is situate in a county or borough divided into Parliamentary divisions, and such parish, townland, or other place is not, in the schedules to this Act, included in any of the Parliamentary divisions of the county or borough in which it is situate, such parish, townland, or place shall be considered as included in that one of those Parliamentary divisions which it adjoins, or if it adjoins more than one of such divisions, then in that one of the said divisions with which it has the longest common boundary.

Where a Parliamentary division of a county or borough is described in any schedule to this Act as containing the whole of a sessional division, barony, or other area, with the exception of the portion comprised in another Parliamentary division of the same county or borough, and by reason of such description includes a parish, townland, or ward, or part of a ward, separated from the rest of the first-mentioned Parliamentary division by the whole or part of the said portion comprised in the other Parliamentary division, such parish, townland, ward, or part of a ward, shall, notwithstanding the said description, form part of the other Parliamentary division, as if it had been included in the said exception.

48 & 49 Vict.
c. 23, s. 23.

*Definition of
Terms in
Schedules.*

Determination
of doubts as to
in which
division any
place is.

If any doubt arises as to the Parliamentary division of a county or borough in which any parish, townland, ward, or other place, whether larger or smaller than a parish, townland, or ward, is intended by the schedules to this Act to be included, such doubt shall be determined for the year one thousand eight hundred and eighty-five by the local authority having power to divide the said county or borough into polling districts, but in the case of a Parliamentary division of a county in Ireland, by the Local Government Board for Ireland, by order made after local inquiry, and taking effect when made; and for subsequent years, on the application of any voter, shall be determined by an order of the Local Government Board for England or Ireland respectively, or in Scotland of one of her Majesty's Principal Secretaries of State to be made after local inquiry, and to be confirmed by Parliament.

Misnomer.

Any misnomer or inaccurate description in any of the schedules to this Act shall not in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same is so designated as to be commonly understood.

"Parliamentary borough."

The expression "Parliamentary borough" means the area comprised within the limits of a Parliamentary borough, and in the case of boroughs the limits of which are altered by this Act means the area comprised within the limits so altered, and in the case of a Parliamentary borough constituted by this Act means the area comprised within the limits of the Parliamentary borough as so constituted: Provided that where reference is made to a present Parliamentary borough, such reference shall be to the area comprised in the limits of a Parliamentary borough on the first day of January one thousand eight hundred and eighty-five.

"Municipal borough."

The expression "municipal borough" means as regards England the area on the first day of January one thousand eight hundred and eighty-five comprised within the limits of a municipal borough under the Municipal Corporations Act, 1882; and as regards Scotland means the area subject on the first day of January one thousand eight hundred and eighty-five to the jurisdiction of the magistrates and town council of a burgh; and as regards Ireland, means the area on the said day comprised within the limits of a borough under the Act of the third and fourth years of the reign of her present Majesty, chapter one hundred and eight, and the Acts amending the same.

The expression "municipal borough boundary" means the boundary of a municipal borough.

"District" in metropolis.

The expression "district," in relation to any place in the metropolis, means the district of a district board of works under the Metropolis Management Act, 1855, as described in Schedule B. to that Act.

"Local Government district."

The expression "local government district" means the area on the first day of January one thousand eight hundred and

eighty-five comprised within the limits of any local government district as defined by the Public Health Act, 1875.

48 & 49 Vict.
c. 23.

The expression "ward" in relation to any place in the metropolis as defined by the Metropolis Management Act, 1855, means a ward as constituted on the first day of January one thousand eight hundred and eighty-five, for the purpose of the election of vestrymen.

"Ward."

The expression "ward" in relation to any place not in the metropolis means a ward of the municipal borough in reference to which the expression is used, as such ward was constituted on the first day of January one thousand eight hundred and eighty-five, for the purpose of municipal elections.

The expression "Parliamentary polling district" means a polling district of a Parliamentary borough as such district was constituted on the first day of January one thousand eight hundred and eighty-five for the purpose of Parliamentary elections.

"Parliamentary polling district."

The expression "municipal polling district" means a polling district of a municipal borough, as such district was constituted on the first day of January one thousand eight hundred and eighty-five, for the purpose of municipal elections.

"Municipal polling district."

The expression "parish" means as regards England and Scotland a parish as constituted on the first day of January one thousand eight hundred and eighty-five, for which a separate poor rate is or can be made, or for which separate overseers or a separate parochial board are or can be appointed, and as regards Ireland means a parish as appearing on the maps of the Ordnance Survey and as adopted in the census.

"Parish."

Where reference is made in any schedule to a parish, townland, or barony which extends beyond a county at large or Parliamentary borough in relation to which such parish, townland, or barony is mentioned, the reference shall, unless otherwise expressed, be construed to refer only to such part of the parish, townland, or barony as is in the said county or borough.

The expression "present" means on the first day of January one thousand eight hundred and eighty-five.

"Present."

24. In this Act, unless the context otherwise requires,—

Definitions of expressions in the Act.

The expression "member" means a member to serve in Parliament, and includes a knight of a shire.

The expression "Parliamentary election" means the election of a member or members.

The expression "law relating to Parliamentary elections" includes all laws, customs, and enactments relating to Parliamentary elections, inclusive of the law respecting the qualification and registration of voters.

The expression "Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

The expression "the Registration Acts" has the same meaning as in the Representation of the People Act, 1884.

48 & 49 Vict.
c. 23.

Application to Scotland.

Application of
Act to Scot-
land.

25. This Act shall apply to Scotland, with the following modifications:—

8 & 9 Vict.
c. 19.

- (1.) The sheriff shall be substituted for “the local authority having power to divide a county or Parliamentary borough into polling districts,” and also for the “revising barrister.”
- (2.) The expression “Lands Clauses Consolidation Acts” means the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same.
- (3.) Where by the operation of this Act any Royal or Parliamentary burgh ceases as a burgh to return or to contribute to return a member to Parliament, nothing in this Act shall affect in any other respect the rights and privileges of such burgh as a Royal or Parliamentary burgh, or the rights, privileges, and functions of the magistrates, town council, and officers thereof.

Application to Ireland.

Application of
Act to Ireland.

26. This Act shall apply to Ireland, with the following modification:—

In the case of a Parliamentary borough, the town council or town commissioners shall be substituted for “the local authority having power to divide a Parliamentary borough into polling districts.”

PART III.

DISQUALIFICATION OF VOTERS FOR CORRUPT PRACTICES.

[27, 28. See these sections, *ante*, Part I., “Qualification of Electors.”]

PART IV.

ACCELERATION OF REGISTRATION IN 1885.

[29–34. See these sections, so far as they relate to England, *ante*, Part II., “Registration of Electors.”]

FIRST SCHEDULE.

[Note by Editors.—For definitions, see s. 23.]

48 & 49 Vict.
c. 23.

[See s. 2.]

PART I.

BOROUGHES TO CEASE AS SUCH.

Borough.	County.	Borough.	County.
ENGLAND.		ENGLAND— <i>contd.</i>	
Abingdon . .	Berks and Oxford.	Helston . .	Cornwall.
Andover . .	Southampton.	Hertford . .	Hertford.
Aylesbury . .	Buckingham.	Horsham . .	Sussex.
Banbury . .	Oxford and North-	Huntingdon . .	Huntingdon.
	ampton.	Kendal . .	Westmoreland.
Barnstaple . .	Devon.	Knaresborough	York, West Riding.
Beaumaris (dis-	Anglesey.	Launceston . .	Cornwall.
trict) . .		Leominster . .	Hereford.
Berwick-upon-		Lewes . .	Sussex.
Tweed.		Lichfield . .	
Bewdley . .	Worcester.	Liskeard . .	Cornwall.
Bodmin . .	Cornwall.	Ludlow . .	Salop and Here-
Brecon . .	Brecon.		ford.
Bridgnorth . .	Salop.	Lymington . .	Southampton.
Bridport . .	Dorset.	Maldon . .	Essex.
Buckingham . .	Buckingham.	Malmesbury . .	Wilts.
Calne . .	Wilts.	Malton . .	York, North
Cardigan (dis-	Cardigan, Pem-		Riding and East
trict).	broke, and Car-		Riding.
	marthen.	Marlborough . .	Wilts.
Chichester . .	Sussex.	Midhurst . .	Sussex.
Chippenham . .	Wilts.	Newark . .	Nottingham.
Chipping Wy-	Buckingham.	Newport . .	Isle of Wight.
combe.		New Shoreham	Sussex.
Cirencester . .	Gloucester.	Northallerton	York, North
Clitheroe . .	Lancaster.		Riding.
Cockermouth . .	Cumberland.	Petersfield . .	Southampton.
Cricklade . .	Wilts and Glou-	Poole . .	Dorset.
	cester.	Radnor (district)	Radnor and Here-
Devizes . .	Wilts.		ford.
Dorchester . .	Dorset.	Richmond . .	York, North
Droitwich . .	Worcester.		Riding.
East Retford . .	Nottingham and	Ripon . .	York, West Riding.
	York.	Rye . .	Sussex.
Evesham . .	Worcester.	St. Ives . .	Cornwall.
Eye . .	Suffolk.	Shaftesbury . .	Dorset and Wilts.
Frome . .	Somerset.	Stamford . .	Lincoln and
Great Marlow	Buckingham and		Northampton.
	Berks.	Stroud . .	Gloucester.
Guildford . .	Surrey.	Tamworth . .	Stafford and War-
Harwich . .	Essex.		wick.
Haverfordwest	Pembroke.	Tavistock . .	Devon.
(district).		Tewkesbury . .	Gloucester.

48 & 49 Vict.
c. 23.
Schedule 1.

*Boroughs to
Cease.*

Borough	County.	Borough.	County.
ENGLAND—contd.		IRELAND.	
Thirsk . .	York, North Riding.	Armagh . .	Armagh.
Tiverton . .	Devon.	Athlone . .	Westmeath and Roscommon.
Truro . .	Cornwall.	Bandon . .	Cork.
Wallingford . .	Berks and Oxford.	Carlow . .	Carlow and Queen's.
Wareham . .	Dorset.	Carrickfergus .	
Wenlock . .	Salop.	Clonmel . .	Tipperary and Waterford.
Westbury . .	Wilts.	Coleraine . .	Londonderry.
Weymouth and Melcombe Regis .	Dorset.	Downpatrick .	Down.
Whitby . .	York, North Riding.	Drogheda . .	
Wilton . .	Wilts.	Dundalk . .	Louth.
Woodstock . .	Oxford.	Dungannon . .	Tyrone.
SCOTLAND.		Dungarvan . .	Waterford.
Haddington (District of Burghs).	Haddington, Roxburgh, and Berwick.	Ennis . .	Clare.
Wigtown (District of Burghs).	Wigtown and Kirkcudbright.	Enniskillen .	Fermanagh.
		Kinsale . .	Cork.
		Lisburn . .	Antrim and Down.
		Mallow . .	Cork.
		New Ross . .	Wexford and Kilkenny.
		Portarlington .	Queen's and King's.
		Tralee . .	Kerry.
		Wexford . .	Wexford.
		Youghal . .	Cork.

Schedule 1.

PART II.

Section 2.

EACH County of a City or of a Town named below shall, for the purpose of Parliamentary Elections, be included in the County at large placed opposite to it.

County of City or Town.	County at large in which it is to be included.
Berwick-upon-Tweed	Northumberland.
Haverfordwest	Pembroke.
Lichfield	Stafford.
Carrickfergus	Antrim.
Drogheda	Louth.

Section 3.

PART III.

BOROUGHS DISFRANCHISED FOR CORRUPTION.

Macclesfield.
Sandwich.

SECOND SCHEDULE.

48 & 49 Vict.
c. 23.

[See s. 4.]

BOROUGHES TO LOSE ONE MEMBER.

ENGLAND.	ENGLAND— <i>contd.</i>
Bedford.	Penryn and Falmouth.
Boston.	Peterborough.
Bury St. Edmunds.	Pontefract.
Cambridge.	Reading.
Canterbury.	Rochester.
Carlisle.	Salisbury.
Chester.	Scarborough.
Colchester.	Shrewsbury.
Coventry.	Stafford.
Dover.	Stoke-upon-Trent.
Durham.	Taunton.
Exeter.	Warwick.
Gloucester.	Wigan.
Grantham.	Winchester.
Hastings.	Worcester.
Hereford.	
King's Lynn.	
Lincoln.	
Maidstone.	
Newcastle-under-Lyme.	
Oxford.	

IRELAND.

Galway.
Limerick.
Waterford.

THIRD SCHEDULE.

[See s. 5.]

BOROUGHES TO HAVE ADDITIONAL MEMBERS.

Name of Borough.	Total Number of Members.	Name of Borough.	Total Number of Members.
ENGLAND.		SCOTLAND.	
Birmingham	Seven.	Aberdeen	Two.
Bradford	Three.	Edinburgh	Four.
Bristol	Four.	Glasgow	Seven.
Kingston-upon-Hull ..	Three.		
Leeds	Five.		
Liverpool	Nine.		
Manchester	Six.		
Nottingham	Three.		
Salford	Three.		
Sheffield	Five.		
Southwark	Three.		
Swansea	Two.		
Tower Hamlets ..	Seven.		
Wolverhampton ..	Three.		

48 & 49 Vict.
c. 23.
Schedule 4.

New Boroughs.

[See s. 6.]

FOURTH SCHEDULE.

[*Note by Editors.*—For definition of “Local Government District,” &c., in this and other Schedules, see s. 23.]

NEW BOROUGHES.

Name of Parliamentary Borough.	County.	Number of Members.	Contents and Boundaries of Parliamentary Borough.
Aston Manor ..	Warwick ..	One	Local government district of Aston Manor.
Barrow-in-Furness	Lancaster ..	One	Municipal borough of Barrow-in-Furness.
Battersea and Clapham.	Surrey ..	Two	Parish of St. Mary, Battersea, and the parish of Clapham.
Bethnal Green ..	Middlesex	Two	Parish of St. Matthew, Bethnal Green.
Camberwell ..	Surrey ..	Three	Parish of St. Giles', Camberwell, and the hamlet of Penge.
Chelsea	Middlesex	One	Parish of St. Luke, Chelsea.
Croydon	Surrey ..	One	Municipal borough of Croydon.
Deptford	Kent and Surrey.	One	Parish of St. Paul, Deptford, inclusive of Hatcham.
			Parish of St. Luke, Middlesex.
			Parish of St. James and St. John, Clerkenwell.
			Holborn District.
Finsbury	Middlesex	Three	St. Giles' District.
			Gray's Inn.
			Charter House.
			Furnival's Inn.
			Staple Inn.
			Lincoln's Inn.
Fulham	Middlesex	One	Parish of Fulham.
			Municipal borough of Great Yarmouth, including the whole of the parish of Gorleston, and so much of the parish of Runham in the county of Norfolk as is included in the following boundary, that is to say, from the point where the north boundary of the parish of Gorleston crosses the centre of New Road in a straight line north-easterly to the boundary of the parish of Acle touching the north-west corner of the Manure Works, thence eastward along the boundary of the parish of Acle until it reaches the present boundary of the Municipal Borough.
Great Yarmouth	Norfolk and Suffolk.	One	

Name of Parliamentary Borough.	County.	Number of Members.	Contents and Boundaries of Parliamentary Borough.	48 & 49 Vict. c. 23.
Greenwich ..	Kent ..	One	{ Parish of Greenwich. Parish of St. Nicholas, Deptford. Parish of Charlton. Parish of Kidbrooke.	<i>New Boroughs.</i>
Hackney	Middlesex	Three	Hackney District.	
Hammersmith ..	Middlesex	One	{ Parishes of St. Peter and St. Paul, Hammersmith.	
Hampstead ..	Middlesex	One	{ Parish of St. John, Hampstead.	
Hanley	Stafford ..	One	{ The municipal boroughs of Hanley and Burslem, and so much of the present parliamentary borough of Stoke-upon-Trent as lies to the north of Hanley, and is not included in the local government district of Tunstall.	
Islington	Middlesex	Four	Parish of St. Mary, Islington.	
Kensington ..	Middlesex	Two	{ Parish of St. Mary Abbots, Kensington.	
Lambeth	Surrey ..	Four	Parish of St. Mary, Lambeth.	
Lewisham ..	Kent ..	One	{ Parish of Lewisham and the parish of Lee.	
Marylebone ..	Middlesex	Two	Parish of St. Marylebone.	
Newington ..	Surrey ..	Two	Parish of St. Mary, Newington.	
Paddington ..	Middlesex	Two	Parish of Paddington.	
St. George, Hanover Square.	Middlesex	One	{ Parish of St. George, Hanover Square.	
St. Helen's ..	Lancaster ..	One	{ The municipal borough of St. Helen's.	
St. Pancras ..	Middlesex	Four	Parish of St. Pancras.	
Shoreditch ..	Middlesex	Two	{ Parish of St. Leonard, Shoreditch.	
Strand	Middlesex	One	{ Strand district, parish of St. James, Westminster, and parish of St. Martin-in-the Fields.	
Wandsworth ..	Surrey ..	One	{ Parish of Wandsworth. Parish of Tooting Graveney. Parish of Streatham, and Parish of Putney, including Roehampton.	
West Bromwich	Stafford ..	One	{ The municipal borough of West Bromwich.	
West Ham ..	Essex ..	Two	{ The local government district of West Ham.	
Westminster ..	Middlesex	One	{ Westminster district, and Close of Collegiate Church of St. Peter.	
Woolwich ..	Kent ..	One	{ The parish of Woolwich. The parish of Eltham, and The parish of Plumstead.	

48 & 49 Vict.
c. 23.
Schedule 5.

*Boroughs with
Altered Boundaries.*

[See s. 7.]

FIFTH SCHEDULE.

CONTENTS AND BOUNDARIES OF BOROUGHS WITH ALTERED BOUNDARIES.

ENGLAND.

[*Note by Editors.*—For definitions of “Parliamentary Borough,” “Local Government District,” and other expressions in this and the other schedules of the Act, see s. 23.]

Name of Parliamentary Borough.	Contents and Boundaries.
Ashton-under-Lyne	The present Parliamentary borough of Ashton-under-Lyne, and So much of the parish of Ashton-under-Lyne as is included in the local government district of Hurst, and is not included in the said Parliamentary borough.
Birmingham . . .	The present Parliamentary borough of Birmingham, and The local government districts of Balsall Heath, Harborne, and Saltley, and the hamlet of Little Bromwich.
Blackburn . . .	The present Parliamentary borough of Blackburn, and So much of the municipal borough of Blackburn as is not included in the said Parliamentary borough.
Bolton	The present Parliamentary borough of Bolton, and So much of the municipal borough of Bolton as is not included in the said Parliamentary borough.
Boston	The present Parliamentary borough of Boston, excluding therefrom two detached parts situate to the north of the borough, one in East Fen and the other in West Fen, and also excluding therefrom a part which is situate on the north side of the borough, and was formerly included in the parishes of Skirbeck and Boston within the borough, but has been added by Orders of the Local Government Board to parishes not situate within the Parliamentary borough, namely, one part thereof to the parish of Sibsey, and the remaining part thereof to the parish of Frithville, all which said parts are in the Sessional Division of Spilsby, in the parts of Lindsey.

Name of Parliamentary Borough.	Contents and Boundaries.	48 & 49 Vict. c. 23. Schedule 5.
Bradford . . .	The present Parliamentary borough of Bradford, and So much of the municipal borough of Bradford as is not included in the said Parliamentary borough.	<i>Boroughs with Altered Boun- daries.</i>
Bristol	The present Parliamentary borough of Bristol, and The local government districts of St. George, Hor- field, and Stapleton, and So much of the Parish of Bedminster as lies between the boundary of the said Parliamentary borough and a line drawn along the centres of Redcatch Lane and Knowle Lane.	
Bury (Lancashire) .	The present Parliamentary borough of Bury, and So much of the municipal borough of Bury as is not included in the said Parliamentary borough.	
Cardiff (in Cardiff district).	The present Parliamentary borough of Cardiff, and So much of the municipal borough of Cardiff as is not included in the said Parliamentary borough.	
Cheltenham . . .	The present Parliamentary borough of Cheltenham, and So much of the parish of Charlton Kings as lies to the north of the present railway leading from Cheltenham to Banbury.	
Conway	The present Parliamentary borough of Conway, ex- cluding therefrom two detached parts situate to the south of the borough, and consisting one of parts of the parishes of Gyffin and Dwygyfylchi, and the other of a part of the parish of Gyffin near Pant-y-tan.	
Darlington . . .	The present Parliamentary borough of Darlington, excluding therefrom a detached part of the parish of Darlington called Oxney Field or Oxon-le- Field, which is separated from Darlington town- ship by the township of Blackwell, and including so much of the municipal borough of Darlington as is not above specified, and is not included in the said Parliamentary borough.	
Derby	The present Parliamentary borough of Derby, and So much of the municipal borough of Derby as is not included in the said Parliamentary borough.	
Hastings . . .	The present Parliamentary borough of Hastings, ex- cluding therefrom two detached parts of the said borough ; one adjoining the parish of Winchelsea, and known as Petit Iham, and the other known as the Liberty of the Sluice.	

48 & 49 Vict.
c. 23.
Schedule 5.

*Boroughs with
Altered Boun-
daries.*

Name of Parliamentary Borough.	Contents and Boundaries.
King's Lynn . . .	The present Parliamentary borough of King's Lynn, and So much of the municipal borough of King's Lynn as is not included in the said Parliamentary borough.
Kingston-upon-Hull	The present Parliamentary borough of Kingston- upon-Hull, and So much of the municipal borough of Kingston- upon-Hull as is not included in the said Parlia- mentary borough.
Lincoln	The present Parliamentary borough of Lincoln, and The parish of Bracebridge.
Liverpool	The present Parliamentary borough of Liverpool, and So much of the parish of Toxteth Park as is not included in the said Parliamentary borough, and So much of the parishes of Walton-on-the-Hill, Wavertree, and West Derby as is outside the municipal borough of Liverpool, and is included in a boundary line drawn from a point where the centre of Selwyn Street crosses the present boun- dary of the said municipal borough, herein-after called the starting point, thence along the centre of that street to the centre of Stuart Road and County Road at their junction with the last- mentioned street, thence along the centre of County Road to a point opposite the southern side of the present Edge Hill and Bootle branch of the London and North-western Railway, thence in an easterly direction to the southern side of the said railway, thence along the southern and western side of the said railway to a point imme- diately north of the junction of the south-eastern boundary of the aforesaid railway with the northern boundary of the present London and North-western Railway to Manchester, thence to that junction, thence in a direct line to a point on the western side of the present London and North-western Railway to Crewe where it crosses the centre of the Picton Road, thence along the western side of the last-mentioned railway to the present boundary of Toxteth Park parish, thence in a north-westerly direction along that parish boundary to the present boundary of the muni- cipal borough of Liverpool, thence along the last- mentioned boundary to the starting point.

Name of Parliamentary Borough.	Contents and Boundaries.	48 & 49 Vict. c. 23. Schedule 5.
Maidstone . . .	The present Parliamentary borough of Maidstone, excluding therefrom a detached part of the parish of Maidstone known as Lodington.	<i>Boroughs with Altered Boundaries.</i>
Manchester . . .	The present Parliamentary borough of Manchester, and The local government districts of Moss Side and Rusholme, and That detached part of the parish of Gorton which is entirely surrounded by the Parliamentary borough of Manchester, as enlarged by the addition of the said local government districts.	
Middlesbrough .	The present Parliamentary borough of Middlesbrough, and So much of the municipal borough of Middlesbrough as is not included in the said Parliamentary borough.	
Newcastle - under - Lyme.	The present Parliamentary borough of Newcastle-under-Lyme, and So much of the municipal borough of Newcastle-under-Lyme as is not included in the said Parliamentary borough, and The local government district of Tunstall, and So much of the parish of Wolstanton as lies south of a line drawn along the centre of the present public road leading west from the present Chatterley Railway Station to the boundary of Audley parish.	
Newport (in Monmouth district).	The present Parliamentary borough of Newport, and So much of the municipal borough of Newport as is not included in the said Parliamentary borough.	
Nottingham . .	The present Parliamentary borough of Nottingham and So much of the municipal borough of Nottingham as is not included in the said Parliamentary borough.	
Oldham	The present Parliamentary borough of Oldham, and So much of the municipal borough of Oldham as is not included in the said Parliamentary borough.	
Pembroke . . .	The present Parliamentary borough of Pembroke, and The places comprised in the area of the present Parliamentary borough of Haverfordwest.	

48 & 49 Vict.
c. 23.
Schedule 5.

*Boroughs with
Altered Boun-
daries.*

Name of Parliamentary Borough.	Contents and Boundaries.
Preston	<p>The present Parliamentary borough of Preston, and So much of the municipal borough of Preston as is not included in the said Parliamentary borough; and So much of the parish of Lea, Ashton, Ingol, and Cottam, and of the parish of Penwortham, as will be added to the municipal borough of Preston on the 1st day of June, 1889, by virtue of the “ Ribble Navigation and Preston Dock Act, 1883” (46 & 47 Vict. cap. cxv.); and The local government district of Fulwood.</p>
Reading. . . .	<p>The present Parliamentary borough of Reading, and The space included between the boundary of the said Parliamentary borough and the following boundary line; that is to say, a line drawn from the point at which the present Reading and Reigate Railway crosses the boundary of the Parliamentary borough at the River Kennet, eastward along the said railway until it crosses Culver Lane, thence westward along the centre of Culver Lane, as far as the centre of Woking- ham Road, thence southward along the centre of Wokingham Road as far as the centre of Crescent Road, thence westward along the centre of Crescent Road as far as the centre of Eastern Avenue, thence southward along the centre of Eastern Avenue, as far as the centre of Upper Redlands Road, thence westward along the centre of Upper Redlands Road as far as the centre of Alexandra Road, thence south and west along the centre of Junction Road to the centre of Christchurch Road, thence along the centre of Christchurch Road until the line reaches the boundary of the present Parliamentary borough.</p>
Salisbury	<p>The present Parliamentary borough of Salisbury, and So much of the parish of Fisherton Anger as is not within the said Parliamentary borough, and so much of the parish of Milford as lies between the boundary of the said Parliamentary borough and the following boundary line; that is to say, a line commencing at a point where the boundary of the said Parliamentary borough crosses the centre of the line of the present South-western Railway to the north of the Salisbury Water- works, and proceeding thence in an easterly direction along the centre of the said railway to the present junction of the Basingstoke, Andover, and Salisbury Branch Railway with the Bishop-</p>

Name of Parliamentary Borough.	Contents and Boundaries.	48 & 49 Vict. c. 23. Schedule 5.
	<p>stoke and Salisbury Branch Railway, and thence along the centre of the last-mentioned railway to a point where the same crosses the River Bourne, and thence proceeding in a southerly direction along the centre of the said river to a point where the same flows under the centre of the present road leading from Salisbury to Southampton, and thence by a straight line in a due south-westerly direction to the boundary between the parishes of Britford and Milford in the River Avon, and thence in a north-westerly direction along the centre of the last-mentioned river to the boundary of the said Parliamentary borough.</p>	<i>Boroughs with Altered Boundaries.</i>
Southampton . . .	<p>The present Parliamentary borough of Southampton, and The parish of Millbrook, and The ecclesiastical district of Holy Saviour, Bittern, and The parish of St. Mary Extra, and The detached part of the parish of Hound included within the parish of St. Mary Extra.</p>	
Stafford	<p>The present Parliamentary borough of Stafford, and So much of the municipal borough of Stafford as is not included in the said Parliamentary borough.</p>	
Stalybridge	<p>The present Parliamentary borough of Stalybridge, and So much of the municipal borough of Stalybridge as is not included in the said Parliamentary borough.</p>	
Stoke-upon-Trent . . .	<p>So much of the present Parliamentary borough of Stoke-upon-Trent as lies south of the municipal borough of Hanley, and So much of the municipal borough of Longton as is not included in the said Parliamentary borough.</p>	
Wakefield	<p>The present Parliamentary borough of Wakefield, and So much of the adjoining parish of Sandal Magna as lies to the north-east of the present Great Northern and Manchester, Sheffield, and Lincolnshire Railway, being the portion known as Belle Vue.</p>	
Warwick and Leamington.	<p>The present Parliamentary borough of Warwick, and The municipal borough of Royal Leamington Spa, and The local government districts of Milverton and Lillington.</p>	

48 & 49 Vict.
c. 23.
Schedule 5.

*Boroughs with
Altered Boun-
daries.*

Name of Parliamentary Borough.	Contents and Boundaries.
Wednesbury . . .	The parishes of Wednesbury, Tipton, and Darlaston.
York	The present Parliamentary borough of York, and So much of the municipal borough of York, inclu- sive of the parts added thereto by "The York Extension and Improvement Act, 1884" (47 & 48 Vict. c. ccxxxii.) as is not included within the said Parliamentary borough.

[SCOTLAND.]

[IRELAND.]

[See s. 8.]

SIXTH SCHEDULE.

DIVISIONS OF BOROUGHES.

NUMBER, NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

PART I.

ENGLAND.

[*Note by Editors.*].—For definitions of "Ward," and of other expressions in this and other schedules, see s. 23.

BATTERSEA AND CLAPHAM.

Two Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE BATTERSEA
DIVISION.

No. 2 Ward of Battersea Parish,
No. 3 Ward of Battersea Parish,
and
So much of No. 4 Ward of Batter-
sea Parish as lies to the north of
a line drawn along the centre of
Battersea Rise, and to the west
of a line drawn along the centre
of the St. John's Road.

No. 2.—THE CLAPHAM
DIVISION.

The Parish of Clapham,
No. 1 Ward of Battersea Parish,
and
No. 4 Ward of Battersea Parish,
except so much as is comprised
in Division No. 1 as herein
described.

BETHNAL GREEN.

Two Divisions.—One Member for each.

NAMES AND CONTENTS OF DIVISIONS.

48 & 49 Vict.
c. 28.

Schedule 6.

*Divisions of
Boroughs.*

**No. 1.—THE NORTH-EAST
DIVISION.**

North Ward, and
East Ward.

**No. 2.—THE SOUTH-WEST
DIVISION.**

South Ward, and
West Ward.

BIRMINGHAM.

Seven Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.**No. 1.—THE EDGBASTON
DIVISION.**

Edgbaston Ward,
So much of Rotten Park Ward as
is situate to the south of a line
drawn along the centre of Dudley
Road,
So much of the Balsall Heath Local
Government District as lies to
the south and west of a line
drawn along the centres of Balsall
Heath Road, Wenman Street,
Edwardes Street, and Moseley
Road, and
The Local Government District of
Harborne.

No. 2. THE WEST. DIVISION.

All Saints Ward,
St. Paul Ward, and
Rotten Park Ward (except so much
as is comprised in Division No. 1
as herein described).

**No. 3.—THE CENTRAL
DIVISION.**

Market Hall Ward,
Ladywood Ward, and
St. Thomas Ward.

**No. 4.—THE NORTH
DIVISION.**

St. George Ward,
St. Stephen Ward, and
St. Mary Ward.

No. 5.—THE EAST DIVISION.

Nechells Ward,
Duddeston Ward,
The Local Government District of
Saltley, and
The Hamlet of Little Bromwich.

**No. 6.—THE BORDESLEY
DIVISION.**

Bordesley Ward, and
St. Bartholomew Ward.

No. 7.—THE SOUTH DIVISION.

St. Martin Ward,
Deritend Ward, and
Balsall Heath Local Government
District, except so much as is
comprised in Division No. 1 as
herein described.

48 & 49 Vict.
c. 23.
Schedule 6.

*Divisions of
Boroughs.*

BRADFORD.

Three Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WEST DIVISION.

Manningham Ward,
Heaton Ward,
Allerton Ward,
Bolton Ward, and
Great Horton Ward.

No. 2.—THE CENTRAL DIVISION.

Lister Hills Ward,
West Ward,
North Ward,
Little Horton Ward, and
Exchange Ward.

No. 3.—THE EAST DIVISION.

East Ward,
South Ward,
Bradford Moor Ward,
East Bowling Ward, and
West Bowling Ward.

BRISTOL.

Four Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE WEST DIVISION.

Clifton Ward,
Westbury Ward,
St. Michael Ward,
St. Augustine Ward, and
The Local Government District of
Horfield.

No. 2.—THE NORTH DIVISION.

District Ward,
St. Paul Ward,
St. James Ward,
So much of SS. Philip and Jacob,
North Ward, as lies to the north
of a line drawn along the centres
of Wade Street and Stapleton
Road, and
The Local Government District of
Stapleton.

No. 3.—THE EAST DIVISION.

SS. Philip and Jacob, South, Ward,
SS. Philip and Jacob, North, Ward,
except so much as is comprised in
Division No. 2 as herein described,
and
The Local Government District of
St. George.

No. 4.—THE SOUTH DIVISION.

Bristol Ward,
Redcliff Ward,
Bedminster, West Ward,
Bedminster, East Ward, and
So much of the Parish of Bedminster
as is situate within the Parlia-
mentary and not within the
Municipal Borough.

CAMBERWELL.

Three Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

48 & 49 Vict.
c. 23.

Schedule 6.

*Divisions of
Boroughs.*

- No. 1.—THE NORTH DIVISION. No. 2.—THE PECKHAM DIVISION.
- No. 1 St. George's West Ward,
No. 2 St. George's East Ward,
No. 3 Camden Ward. No. 4 North Peckham Ward, and
No. 5 South Peckham Ward.

No. 3.—THE DULWICH DIVISION.

No. 6 Camberwell and Dulwich
Ward, and the Hamlet of Penge.

FINSBURY.

Three Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

- No. 1.—THE HOLBORN DIVISION. No. 2.—THE CENTRAL DIVISION.
- So much of the Holborn District as
comprises the Parishes of—
St. Andrew, Holborn, above
Bars and St. George the
Martyr, and
Saffron Hill, Hatton Garden,
Ely Place, and Ely Rents.
The St. Giles District:
Gray's Inn,
Furnival's Inn,
Staple Inn, and
Lincoln's Inn. The Parish of St. James and St.
John, Clerkenwell.
- No. 3.—THE EAST DIVISION.
- The Parishes of—
St. Luke, Middlesex,
St. Sepulchre, Middlesex,
Charter House,
and
Glasshouse Yard.

HACKNEY.

Three Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

- No. 1.—THE NORTH DIVISION.
- The Parish of Stoke Newington,
No. 1 Stamford Hill Ward of Hack-
ney Parish,
No. 2 West Hackney Ward of
Hackney Parish, and
- So much of No. 5 Hackney Ward of
Hackney Parish as lies to the
north of a line drawn from the
boundary of No. 2 West Hackney
Ward of Hackney Parish, along
the centres of Evering Road,
Upper Clapton Road, and South-
wold Road to the parish boundary.

48 & 49 Vict.
c. 23.
Schedule 6.
*Divisions of
Boroughs.*

No. 2.—THE CENTRAL DIVISION.

No. 3 De Beauvoir Town Ward of Hackney Parish,
No. 4 Dalston Ward of Hackney Parish, and
So much of No. 5 Hackney Ward of Hackney Parish as lies to the south and west and north of a line drawn along the centre of the Evering Road from the boundary of No. 2 West Hackney

Ward of Hackney Parish to the centre of the Upper Clapton Road, thence southward along the centres of the Upper and Lower Clapton Roads to the northern boundary of No. 6 Homerton Ward of Hackney Parish, and thence along the boundary of that Ward and No. 7 South Hackney Ward of Hackney Parish to the south-east corner of No. 4 Dalston Ward of Hackney Parish.

No. 3.—THE SOUTH DIVISION.

No. 5 Hackney Ward of Hackney Parish, except so much as is comprised in Divisions No. 1 and No. 2, as herein described.

No. 6 Homerton Ward of Hackney Parish, and
No. 7 South Hackney Ward of Hackney Parish.

ISLINGTON.

Four Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH DIVISION.
Upper Holloway Ward.

No. 3.—THE EAST DIVISION.
Highbury Ward and
Canonbury Ward.

No. 2.—THE WEST DIVISION.
Lower Holloway Ward and
Thornhill Ward.

No. 4.—THE SOUTH DIVISION.
Barnsbury Ward,
St. Mary's Ward, and
St. Peter's Ward.

KENSINGTON.

Two Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE NORTH DIVISION.
So much of the Parliamentary Borough of Kensington as lies to the north of a line drawn along the centre of the Uxbridge Road.

No. 2.—THE SOUTH DIVISION.
So much of the Parliamentary Borough of Kensington as is not comprised in Division No. 1 as herein described.

KINGSTON-UPON-HULL.

Three Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE EAST DIVISION.

Alexandra Ward,
Drypool Ward,
Sutton Ward,
Beverley Ward, and
So much of the Central Ward as
lies to the east of the Barmston
Drain.

No. 2.—THE CENTRAL DIVISION.

Queen's Ward,
Paragon Ward, and
The Central Ward, except so much
as is comprised in Division No. 1,
as herein described.

No. 3.—THE WEST DIVISION.

Newington Ward,
Coltman Ward,
Albert Ward,
Botanic Ward, and
Park Ward.

LAMBETH.

Four Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE NORTH DIVISION.

North Marsh Ward,
South Marsh Ward, and
Bishops Ward.

No. 2.—THE KENNINGTON DIVISION.

Prince's Ward, and
So much of the Vauxhall Ward as
lies to the west of a line drawn
along the centre of the Clapham
Road.

No. 3.—THE BRIXTON DIVISION.

So much of the Stockwell Ward as
lies to the north of a line drawn

along the centres of Acre Lane
and Coldharbour Lane,
So much of the Brixton Ward as
lies to the north of a line drawn
along the centres of Acre Lane
and Coldharbour Lane, and
The Vauxhall Ward, except so much
as is comprised in Division No. 2
as herein described.

No. 4.—THE NORWOOD DIVISION.

Norwood Ward, and
The Stockwell Ward and the Brixton
Ward, except so much of the two
latter Wards as is comprised in
Division No. 3 as herein described.

48 & 49 Vict.
c. 23.

Schedule 6.

*Divisions of
Boroughs.*

48 & 49 Vict.
c. 23.
Schedule 6.

*Divisions of
Boroughs.*

LEEDS.

Five Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH DIVISION. Headingley Ward, North-West Ward, So much of Brunswick Ward as is included in Municipal Polling District, No. Eight, So much of North Ward as is included in Municipal Polling Districts, No. Thirteen and No. Fourteen, and So much of North-East Ward as is included in Municipal Polling District, No. Sixteen.	North Ward, except so much as is comprised in Division No. 1 as herein described, North-East Ward, except so much as is comprised in Division No. 1 as herein described, and Central Ward, except so much as is comprised in Division No. 2 as herein described.
No. 2.—THE CENTRAL DIVISION. West Ward, Mill Hill Ward, Brunswick Ward, except so much as is comprised in Division No. 1 as herein described, and So much of Central Ward as is included in Municipal Polling Districts, No. Nine and No. Ten.	No. 4.—THE WEST DIVISION. Holbeck Ward, Armley and Wortley Ward, New Wortley Ward, and Bramley Ward, except so much as is comprised in Division No. 5 as herein described.
No. 3.—THE EAST DIVISION. East Ward,	No. 5.—THE SOUTH DIVISION. South Ward, East Hunslet Ward, West Hunslet Ward, and So much of Bramley Ward as is included in Municipal Polling District, No. Thirty-five.

LIVERPOOL.

Nine Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE KIRKDALE DIVISION. The Parish of Kirkdale, and so much of the Parish of Everton as is included in the following boundary; that is to say:— From the point of junction of the Parishes of Kirkdale, Everton, and Walton-on-the-	Hill, hereinafter called the starting point, thence along the Municipal Borough Boundary to a point where it crosses the centre of Sleepers Hill Road, thence along the centres of Sleepers Hill, Beacon Lane, and Breckfield Road North, to the centre of Mere Lane, thence along the centre of Mere
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Lane to the centre of St. Domingo Road, thence along the centre of St. Domingo Road to the centre of Grecian Terrace, thence along the centres of Grecian Terrace and Havelock Street to the centre of Netherfield Road North, thence along the centre of Netherfield Road North to a point opposite to the point where the Boundary of the Parish of Everton takes a westerly direction from Netherfield Road North, thence to the latter point in the Everton Parish Boundary, thence in a northerly and north-easterly direction along the Everton Parish Boundary to the starting point.

No. 2.—THE WALTON DIVISION.

So much of the Parishes of Walton-on-the-Hill and Wavertree as are in the Parliamentary Borough of Liverpool.

So much of the Parish of West Derby as is outside the Municipal Borough, but within the Parliamentary Borough of Liverpool.

So much of the Parish of Everton as is included in the following boundary; that is to say:—

From a point, hereinafter called the starting point, where the present boundary of the Municipal Borough of Liverpool takes an easterly direction at Whitfield Road, thence in a northerly direction along the centres of Breckfield Road South, Breckfield Road North, Beacon Lane, and Sleepers Hill, to the Municipal Borough Boundary, thence along that boundary to the starting point.

No. 3.—THE EVERTON DIVISION.

The Parish of Everton except so much as is comprised in Divisions Nos. 1 and 2, as herein described.

No. 4.—THE WEST DERBY DIVISION.

West Derby Ward.

No. 5.—THE SCOTLAND DIVISION.

Scotland Ward.

No. 6.—THE EXCHANGE DIVISION.

Vauxhall Ward,
St. Ann's Street Ward,
Lime Street Ward,
Exchange Ward, and
St. Paul's Ward.

No. 7.—THE ABERCROMBY DIVISION.

Abercromby Ward,
Rodney Street Ward,
Castle Street Ward,
St. Peter's Ward,
Pitt Street Ward, and
Great George's Ward.

No. 8.—THE EAST TOXTETH DIVISION.

So much of the Parish of Toxteth Park as lies to the east of the following boundary; that is to say:—

From a point where the North Boundary of the Parish of Toxteth Park crosses the end of the centre of Windsor Street, thence along the centres of Windsor Street and Admiral Street to the centre of High Park Street, thence along the centre of High Park Street to the centre of Park Road, thence along the centre of Park Road to the Municipal Borough Boundary, thence in an easterly direction along that Boundary to a point opposite the centre of Aigburth Road, thence along the centre of Aigburth Road to the Southern Boundary of Toxteth Park Parish.

No. 9.—THE WEST TOXTETH DIVISION.

Toxteth Park Parish, except so much as is comprised in Division No. 8 as herein described.

48 & 49 Vict.
c. 23.

Schedule 6.

*Divisions of
Boroughs.*

48 & 49 Vict.

c. 23.

Schedule 6.

*Divisions of
Boroughs.***MANCHESTER.**

Six Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.**No. 1.—THE NORTH-WEST
DIVISION.**

Collegiate Church Ward,
Exchange Ward,
St. John's Ward,
St. Ann's Ward,
St. James' Ward,
Oxford Ward,
St. Clement's Ward, and
The Parish of Cheetham.

No. 2.—THE NORTH DIVISION.

St. Michael's Ward,
The Parish of Harpurhey, and
So much of the Parish of Newton
as lies to the north-west of a line
drawn along the centre of the
Oldham Road.

**No. 3.—THE NORTH-EAST
DIVISION.**

New Cross Ward, and
So much of the Parish of Newton as
is not comprised in Divisions
No. 2 and No. 5 as herein de-
scribed.

No. 4.—THE EAST DIVISION.

The Parish of Bradford,
The Parish of Ardwick,
The Parish of Beswick, and
So much of the Parish of Chorlton-
upon-Medlock as lies to the north
of the following boundary, that is
to say:—

From a point where the western
boundary of the Parish of Chorl-
ton-upon-Medlock crosses the
centre of Cavendish Street, thence
in a north-easterly direction along
the centres of that street and
Grosvenor Street to the junction
of the latter street with the centre
of Upper Brook Street, thence
along the centre of the last-men-
tioned street to its junction with
Dover Street, thence in a north-
easterly direction along the centre
of Dover Street, St. Leonards
Street, and Cheltenham Street, to
the boundary of the said Parish.

No. 5.—THE SOUTH DIVISION.

The Parish of Chorlton-upon-Med-
lock except so much as is com-
prised in Division No. 4, as herein
described.

The Local Government District of
Moss Side,

The Local Government District of
Rusholme,

The detached part of the Parish of
Newton which is known as the
Hamlet of Kirkmanshulme,

And that detached part of Gorton
Parish which is included in the
Parliamentary Borough of Man-
chester.

**No. 6.—THE SOUTH-WEST
DIVISION.**

The Parish of Hulme.

MARYLEBONE.48 & 49 Vict.
c. 23.

Schedule 6.

Two Divisions.—One Member for each Division.

*Divisions of
Boroughs.***NAMES AND CONTENTS OF DIVISIONS.**

- | | |
|---|--|
| No. 1.—THE EAST DIVISION.
St. John's Wood Terrace Ward,
Dorset Square and Regent's Park
Ward,
Portland Place Ward, and
Cavendish Square Ward. | No. 2.—THE WEST DIVISION.
Hamilton Terrace Ward,
New Church Street Ward,
Bryanstone Ward, and
Portman Ward. |
|---|--|

NEWINGTON.

Two Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

- | | |
|--|--|
| No. 1.—THE WEST DIVISION.
No. 1. St. Mary's Ward, except so
much as is comprised in Division
No. 2, as herein described.
No. 2 Trinity Ward, and
No. 3. St. Paul's Ward, | No. 2.—THE WALWORTH
DIVISION.
No. 4. St. Peter's Ward, and
So much of No. 1 St. Mary's Ward
as lies to the east of a line drawn
along the centres of Station Road
and Walworth Road. |
|--|--|

NOTTINGHAM.

Three Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

- | | |
|---|--|
| No. 1.—THE WEST DIVISION.
St. Alban's Ward,
Broxtowe Ward,
Wollaton Ward,
Sherwood Ward, and
Forest Ward. | No. 2.—THE EAST DIVISION.
Mapperley Ward,
Robin Hood Ward,
St. Ann Ward,
Manvers Ward, and
Byron Ward. |
|---|--|
- No. 3.—THE SOUTH DIVISION.**
- | | |
|--|---|
| Castle Ward,
Market Ward,
Meadow Ward, | St. Mary Ward,
Bridge Ward, and
Trent Ward. |
|--|---|

48 & 49 Vict.
c. 23.

Schedule 6.

*Divisions of
Boroughs.*

PADDINGTON.

Two Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH DIVISION.	No. 2.—THE SOUTH DIVISION.
No. 2 Ward.	No. 1 Ward, No. 3 Ward, and No. 4 Ward.

ST. PANCRAS.

Four Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH DIVISION.	No. 3.—THE WEST DIVISION.
No. 1 Ward.	No. 2 Ward, No. 4 Ward, and No. 5 Ward.
No. 2.—THE EAST DIVISION.	No. 4.—THE SOUTH DIVISION.
No. 3 Ward, and No. 6 Ward.	No. 7 Ward, and No. 8 Ward.

SALFORD.

Three Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE NORTH DIVISION.	No. 2.—THE WEST DIVISION.
St. John's Ward, Kersal Ward, Trinity Ward, St. Matthias Ward, and Greengate Ward.	St. Thomas' Ward, Seedley Ward, and Regent Ward, except so much as is comprised in Division No. 3, as herein described.

No. 3.—THE SOUTH DIVISION
Islington Ward,
Ordsall Ward,
Crescent Ward,
St. Stephen's Ward, and
So much of Regent Ward as lies to
the east of a line drawn along the centre
of Trafford Road.

SHEFFIELD.

48 & 49 Vict.
c. 23.

Schedule 6.

Five Divisions.—One Member for each Division.

*Divisions of
Boroughs.*

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE ATTERCLIFFE
DIVISION.Attercliffe Ward,
Park Ward, and
The Parish of Heeley.No. 2.—THE BRIGHTSIDE
DIVISION.

Brightside Ward.

No. 3.—THE CENTRAL DIVI-
SION.St. Peter's Ward,
St. Philip's Ward, and
St. George's Ward, except so much
as is comprised in Division No. 4
as herein described.No. 4.—THE HALLAM DIVI-
SION.Nether Hallam Ward,
Upper Hallam Ward,
Such portions of St. George's Ward
as are entirely or nearly sur-
rounded by the Nether Hallam
Ward, andSo much of the Glossop Road Poll-
ing District of the Ecclesall Ward
as lies to the north-west of a line
drawn along the centres of Clark
House Lane and Glossop Road,
and to the north of a line drawn
along the centre of Wilkinson
Street.No. 5.—THE ECCLESALL
DIVISION.Ecclesall Ward, except so much as
is comprised in Division No. 4 as
herein described.

SHOREDITCH.

Two Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE HOXTON DIVI-
SION.Moorfields Ward,
Church Ward,
Hoxton Ward, and
Wenlock Ward.No. 2.—THE HAGGERSTONE
DIVISION.Whitmore Ward,
Kingsland Ward,
Haggerstone Ward, and
Acton Ward.

48 & 49 Vict.
c. 23.
Schedule 6.

*Divisions of
Boroughs.*

SOUTHWARK.

Three Members.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WEST DIVISION.

The St. Saviour's District, and
No. 1 St. Michael's and No. 2. St.
Paul's Wards of the Parish of
St. George the Martyr, South-
wark.

No. 2.—THE ROTHERHITHE DIVISION.

The St. Olave's District,
The Parish of Rotherhithe, and
No. 4 Ward of the Parish of Ber-
mondsey.

No. 3.—THE BERMONDSEY DIVISION.

No. 1, No. 2, and No. 3 Wards of Ber-
mondsey Parish.
No. 3 St. George's Ward of the Parish of
St. George the Martyr, Southwark.

SWANSEA.

Two Divisions.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—SWANSEA TOWN.

The Parish of Swansea (Town),
The Parish of St. Thomas, and
So much of the Parish of Swansea
(Higher and Lower) as is com-
prised within the Parliamentary
Borough of Swansea.

No. 2.—SWANSEA DISTRICT.

The Contributory Boroughs of—
Aberavon,
Kenfig,
Loughor, and
Neath,
the Parish of—
St. John near Swansea,
and so much of the Parishes of—
Clase, Llangafelach, Llansamlet
Lower, and Llansamlet Higher,
as is comprised within the Parlia-
mentary Borough of Swansea.

TOWER HAMLETS.

48 & 49 Vict.
c. 23.

Schedule 6.

*Divisions of
Boroughs.*

Seven Members.—One Member for each Division.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WHITECHAPEL
DIVISION.

The Whitechapel District.

No. 2.—THE ST. GEORGE
DIVISION.The Parish of St. George-in-the East
and the Parish of Wapping.No. 3.—THE LIMEHOUSE
DIVISION.The Limehouse District, except the
Parish of Wapping.No. 4.—THE MILE END
DIVISION.North Ward and East Ward of the
Hamlet of Mile End Old Town.No. 5.—THE STEPNEY
DIVISION.Centre Ward, West Ward, and South
Ward of the Hamlet of Mile End
Old Town.No. 6.—THE BOW AND BROM-
LEY DIVISION.The Parish of St. Mary Stratford-
le-Bow, and
The Parish of Bromley St. Leonard,
except so much as is comprised in
Division No. 7, as herein de-
scribed.No. 7.—THE POPLAR DIVI-
SION.The Parish of Poplar, and so much
of the Parish of Bromley St.
Leonard as lies to the east and
south of a line drawn from the
boundary of the Parish of All
Saints, Poplar, along the centre
of the present North London
Railway to a point opposite the
centre of Bright Street thence
eastward, along the centres
of Bright Street and Dewberry
Street, to Brunswick Road; thence
northward, along the centre of
Brunswick Road, to the centre of
Lochnagar Street; and thence,
along the centre of Lochnagar
Street and the continuation of
the centre line of that street, to
the Parish boundary in Bow
Creek.

WEST HAM.

Two Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE NORTH DIVISION.

So much of the Parliamentary
Borough of West Ham as is si-
tuate to the north of the following
boundary; that is to say,—From a point where the north
side of the present London
and Tilbury Railway crosses
the west boundary of West
Ham Parish; thence in a
north-easterly direction along

48 & 49 Vict.
c. 23.
Schedule 6.

*Divisions of
Boroughs.*

the north side of the said railway to a point where the east side of the present North Woolwich Branch of the Great Eastern Railway crosses it; thence in a northerly direction along the east side of the last-mentioned railway to a point opposite the centre of Abbey Road; thence in a north-easterly and easterly direction along

the centres of Abbey Road, Church Street North, Portway, and Plashet Lane to the eastern boundary of West Ham Parish.

No. 2.—THE SOUTH DIVISION.

The Parliamentary Borough of West Ham, except so much as is comprised in Division No. 1 as herein described.

WOLVERHAMPTON.

Three Divisions.—One Member for each Division.

NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

No. 1.—THE WEST DIVISION.

St. Mark's Ward,
St. Paul's Ward,
St. John's Ward,
St. George's Ward,
St. Matthew's Ward, and
So much of the Parish of Bilston, as is known as Ettingshall New Village, being the portion which lies to the west of a line drawn along the centre of Ward Street, and is bounded on the south by Sedgley Parish, and on the north and west by the Municipal Borough of Wolverhampton.

No. 2.—THE EAST DIVISION.

St. Mary's Ward,
St. James' Ward, and
St. Peter's Ward,
and the Parishes of—
Wednesfield and
Willenhall.

No. 3.—THE SOUTH DIVISION.

The Parish of Sedgley, and
The Parish of Bilston, except so much as is comprised in Division No. 1 as herein described.

PART II.

[SCOTLAND.]

[IRELAND.]

SEVENTH SCHEDULE.

48 & 49 Vict.
c. 23.

COUNTIES AT LARGE.

Schedule 7.

NUMBER OF MEMBERS AND NAMES AND CONTENTS OF DIVISIONS.

Divisions of
Counties.

PART I.—ENGLAND.

[*Note by Editors.*—For definitions of “Sessional Division” and of other expressions in this and other schedules, see note to s. 23.]

COUNTY OF BEDFORD.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR BIGGLESWADE DIVISION.

The Sessional Divisions of—

Bedford, Biggleswade, and Sharnbrook,
the Parishes in the Sessional Division of Ampthill, of—Ampthill, Clophill,
Cranfield, Hawnes, Houghton Conquest, Lidlington, Marston Mortaine,
Maulden, and Millbrook,
and the Municipal Borough of Bedford.

No. 2.—THE SOUTHERN OR LUTON DIVISION.

The Sessional Divisions of—

Leighton Buzzard, Luton, and	Woburn,	So much of the Sessional Division of Ampthill as is not comprised in Division No. 1 as herein described,
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and the Municipal Boroughs of Dunstable and Luton.

COUNTY OF BERKS.

Three Members.—Three Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR ABINGDON DIVISION.

The Sessional Divisions of—

Abingdon, Faringdon,	Wallingford, and Wantage,
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the Municipal Borough of Wallingford,
and so much of the Municipal Boroughs of Abingdon and Oxford as is in
the county of Berks.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 2.—THE SOUTHERN OR NEWBURY DIVISION.

The Sessional Divisions of—

Ilsey,
Lambourn,

Newbury (including
Hungerford), and

Reading (except so much
as is comprised in Divi-
sion No. 3 as herein
described),

the Municipal Boroughs of Newbury and Reading,
and so much of Wokingham Sessional Division as is in the Parliamentary
Borough of Reading.

No. 3.—THE EASTERN OR WOKINGHAM DIVISION.

The Sessional Divisions of—

Maidenhead and
Windsor,

So much of the Sessional Division
of Wokingham as is not comprised
in Division No. 2 as herein de-
scribed ;

the Municipal Boroughs of Maidenhead and New Windsor,
and the Parishes of Swallowfield East and Swallowfield West.

COUNTY OF BUCKS.

Three Members.—Three Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR BUCKINGHAM DIVISION.

The Sessional Divisions of—

Ashendon
Buckingham,

Newport,
Stony Stratford, and

Winslow (except so much
as is comprised in Divi-
sion No. 2 as herein
described),

and the Municipal Borough of Buckingham.

No. 2.—THE MID OR AYLESBURY DIVISION.

The Sessional Divisions of—

Aylesbury,
Chesham,

Desborough (Second Division)
(except so much as is com-
prised in Division No. 3 as
herein described), and

Linslade,

and the Parishes in the Sessional Division of Winslow of—Creslow, Oving,
Pitchcott, Quainton, Shipton Lee, and Whitchurch.

No. 3.—THE SOUTHERN OR WYCOMBE DIVISION.

The Sessional Divisions of—

Burnham,

Desborough (First Division), and

Stoke,

the Municipal Borough of Chipping Wycombe,

and in the Sessional Division of Desborough (Second Division) the Parishes
of—West Wycombe and Wooburn, and so much of the Parish
of Chipping Wycombe as is not included in the Municipal
Borough of Chipping Wycombe.

COUNTY OF CAMBRIDGE.

Three Members.—Three Divisions.

NAMES AND CONTENTS OF DIVISIONS.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 1.—THE NORTHERN OR WISBECH DIVISION.

The Sessional Divisions of—

North Witchford, Wittlesea, and Wisbech,
the Municipal Borough of Wisbech,
and the Parishes of—Coveney, Downham, and Littleport.

No. 2.—THE WESTERN OR CHESTERTON DIVISION.

The Sessional Divisions of—

Arrington and Melbourn, Cambridge, and Caxton,
the Municipal Borough of Cambridge,
and the Parishes of—Grunty Fen, Haddenham, Mepal, Stretham, Sutton,
Thetford, Wentworth, Wilburton, Witcham, Witchford.

No. 3.—THE EASTERN OR NEWMARKET DIVISION.

The Sessional Divisions of—

Bottisham, Linton, and Newmarket,
and the Parishes of—Ely College, Ely Holy Trinity, and Ely St. Mary.

COUNTY OF CARMARTHEN.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE EASTERN DIVISION.

The Sessional Divisions of—

Llandeilo (except so much as is comprised in Division No. 2 as
herein described),
Llandovery (except so much as is comprised in Division No. 2 as
herein described), and
Llanelly.

No. 2.—THE WESTERN DIVISION.

The Sessional Divisions of—

Carmarthen,	Llanfihangel-ar-Arth,	St. Clears,
Llanboidy,	Newcastle Emlyn, and	

the Municipal Borough of Carmarthen,
and the Parishes in the Sessional Division of Llandeilo, of—Llanegwad, and
Llanfynydd, and in the Sessional Division of Llandovery of—
Llansawyl, and Pencarreg.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

COUNTY OF CARNARVON.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE SOUTHERN OR EIFION DIVISION.

The Sessional Divisions of—
Carnarvon (except so much as is comprised in Division No. 2 as
herein described),
Eifionydd or Portmadoc, and
Pwllheli,
and the Municipal Borough of Carnarvon.

No. 2.—THE NORTHERN OR ARFON DIVISION.

The Sessional Divisions of—
Bangor, Conway, and Nant-Conway.
and the Parishes of—Llanberis and Llanddeiniolen.

COUNTY OF CHESTER.

Eight Members.—Eight Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WIRRAL DIVISION.

The Hundred of Wirral,
and the Municipal Borough of Birkenhead.

No. 2.—THE EDDISBURY DIVISION.

The Sessional Divisions of—
Broxton,
Chester Castle (except so much as is comprised in the Wirral
Hundred),
Eddisbury (except so much as is comprised in Division No. 5 as
herein described), and
Nantwich (except so much as is comprised in Division No. 4 as
herein described),
the Municipal Borough of the City of Chester,
and the Parishes in the Sessional Division of Northwich of—Bradwall,
Minshull Vernon, Moston, Occleston, Sutton, Tetton, Warming-
ham, and Wimboldsley.

No. 3.—THE MACCLESFIELD DIVISION.

The Municipal Boroughs of Congleton and Macclesfield,
and the Parishes in the Sessional Division of Prestbury of—Birtles, Bosley,
Eaton, Gawsorth, Henbury-cum-Pexall, North Road, Wildboar.

clough, and Wincle, and so much of the Parishes of Hurdsfield and Sutton as is not included in the Municipal Borough of Macclesfield,
and the Parishes in the Sessional Division of Northwich of—Buglawton, Hulme Welfield, Newbold, Astbury, and Radnor.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 4.—THE CREWE DIVISION.

The Municipal Borough of Crewe,
and the Parishes in the Sessional Division of Nantwich of—Alvaston and Beamheath in Alvaston, Barthomley, Basford, Chorlton, Church Coppenhall, Crewe, Haslington, Hough, Nantwich, Rope, Shavington-cum-Gresty, Stapeley, Weston, Willaston, Wistaston, and Wybunbury,
and the Parishes in the Sessional Division of Northwich of—Alsager, Arclid, Betchton, Church Lawton, Elton, Hassall, Moreton-cum-Alcumlow, Odd Rode, Sandbach, Smallwood, and Wheelock.

No. 5.—THE NORTHWICH DIVISION.

The Sessional Division of Runcorn,
and the Parishes in the Sessional Division of Daresbury of—Bartington, Dutton, and Little Leigh,
and in the Sessional Division of Eddisbury of—Acton, Over, and Weaverham-cum-Milton,
and in the Sessional Division of Leftwich of—Anderton, Barnton, Castle Northwich, Cogshall, Comberbach, Davenham, Eaton, Great Budworth, Hartford, Leftwich, Marbury, Marston, Moulton, Northwich, Wallerscoat, Witton-cum-Twambrooks, Wincham, and Winnington,
and in the Sessional Division of Northwich of—Bostock, Clive, Croxton, Kinderton-cum-Hulme, Middlewich, Newton, Ravenscroft, Stanthorne, Wharton, and Whatcroft.

No. 6.—THE ALTRINCHAM DIVISION.

The Sessional Divisions of—
Altrincham, and Stockport (except so much as is comprised in Divisions No. 7 and No. 8 as herein described),
and so much of the Municipal Borough of Stockport as is situate in the County of Chester.

No. 7.—THE HYDE DIVISION.

The Sessional Division of Hyde,
so much of the Municipal Borough of Stalybridge as is included in the County of Chester,
and the Parishes in the Sessional Division of Stockport of—Bosden, Bredbury, Brinnington (except the part included in the Municipal Borough of Stockport), Marple, Offerton, Romiley, and Tor-kington.

No. 8.—THE KNUITSFORD DIVISION.

The Sessional Divisions of—
Bucklow,
Daresbury (except so much as is comprised in Division No. 5 as herein described),
Prestbury (except so much as is comprised in Division No. 3 as herein described), and

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

Leftwich (except so much as is comprised in Division No. 5 as herein described),
so much of the Municipal Borough of Warrington as is situate in the County of Chester,
and the Parishes in the Sessional Division of Northwich of—Allostock, Blackden, Brereton-cum-Smethwick, Byley-cum-Yatehouse, Church Hulme, Cotton, Cranage, Davenport, Goostrey-cum-Barmshaw, Kermincham, Leese, Mooresbarrow-cum-Parme, Somerford, Somerford Booths, Sproston, Swettenham, and Twemlow,
and in the Sessional Division of Stockport of—Diale, Taxall, and Yeardsley-cum-Whaley.

COUNTY OF CORNWALL.

Six Members.—Six Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WESTERN OR ST. IVES DIVISION.

The Sessional Division of Penwith, West (including the Scilly Islands), the Municipal Boroughs of Penzance and St. Ives, and the Parishes of—St. Erth and Uny-Lelant.

No. 2.—THE NORTH-WESTERN OR CAMBORNE DIVISION.

The Sessional Division of Penwith, East (except so much as is comprised in Division No. 1 as herein described), and the Parishes of Gwennap and St. Agnes.

No. 3.—THE TRURO DIVISION.

The Sessional Divisions of—
Kerrier, East (except so much as is comprised in Division No. 2 as herein described),
Kerrier, West, and
Powder, West (except so much as is comprised in Division No. 2 as herein described),
and the Municipal Boroughs of Falmouth, Helston, Penryn, and Truro.

No. 4.—THE MID OR ST. AUSTELL DIVISION.

The Sessional Divisions of—
Powder, East, Powder, South, and Pyder,
and the Parishes of Ladock and St. Blazey.

No. 5.—THE SOUTH-EASTERN OR BODMIN DIVISION.

The Sessional Divisions of—
East South, Powder Tywardreath (except so much as is comprised in Division No. 4 as herein described), and West Hundred,
the Municipal Boroughs of Bodmin and Liskeard,
and the Parishes of Bodmin, Helland, and Lanivet.

No. 6.—THE NORTH-EASTERN OR LAUNCESTON DIVISION.48 & 49 Vict.
c. 23.

The Sessional Divisions of—

East Middle,
East North,Lesnewth,
Stratton, andTrigg (except so much as is
comprised in Division No. 5
as herein described).

Schedule 7.

Divisions of
Counties.**COUNTY OF CUMBERLAND.**

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.**No. 1.—THE NORTHERN OR ESKDALE DIVISION.**

The Sessional Divisions of—

Eskdale Ward,
Cumberland Ward,
Longtown, andAllerdale Ward below Derwent (ex-
cept so much as is comprised in
Division No. 2 as herein described),

and the Municipal Borough of Carlisle.

No. 2.—THE MID OR PENRITH DIVISION.

The Sessional Divisions of—

Keswick, and

Leath Ward,

and the Parishes in the Sessional Division of Allerdale Ward below Derwent, of—Allhallows, Blencogo, Blennerhasset and Kirkland, Caldbeck High and Low, Dundraw and Kelsick, High Bolton, High Ireby, High and Low Thursby, Low Bolton, Low Ireby, Sebergham High and Low, Torpenhow and Whitrigg, Uldale, Waverton High and Low, Westward, Wigton, and Woodside.

No. 3.—THE COCKERMOUTH DIVISION.

The Sessional Divisions of—

Derwent, and

Workington.

No. 4.—THE WESTERN OR EGREMONT DIVISION.

The Sessional Divisions of—

Bootle, and

Allerdale Ward above Derwent.

COUNTY OF DENBIGH.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.**No. 1.—THE EASTERN DIVISION.**

The Sessional Divisions of—

Bromfield, and

Ruabon,

the Municipal Borough of Wrexham
and the Parish of Chirk.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 2.—THE WESTERN DIVISION.

The Sessional Divisions of—
Chirk Lower (except so much
as is comprised in Division
No. 1 as herein described),
and the Municipal Borough of Denbigh.

Chirk Upper, Isaled, Isdulas,	Ruthin, Uwchaled, and Uwchdulas,
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COUNTY OF DERBY.

Seven Members.—Seven Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE HIGH PEAK DIVISION.

The Sessional Divisions of—
Buxton, Chapel-en-le-Frith, and Glossop,
and the Municipal Borough of Glossop.

No. 2.—THE NORTH-EASTERN DIVISION.

The Sessional Division of Eckington,
and the Parishes in the Sessional Division of Chesterfield, of—Bolsover,
Staveley, and Whittington.

No. 3.—THE CHESTERFIELD DIVISION.

The Sessional Division of—
Chesterfield (except so much as is comprised in Division No. 2 as
herein described),
the Municipal Borough of Chesterfield,
and the Parishes in the Sessional Division of Alfreton of—Ashover, Clay
Lane, and Stretton.

No. 4.—THE WESTERN DIVISION.

The Sessional Divisions of—
Appletree, Bakewell, and
Ashbourn (except the Parish of Mercaston), Wirksworth.

No. 5.—THE MID DIVISION.

The Sessional Divisions of—
Alfreton (except so much as is comprised in Division No. 3 as
herein described), and
Belper.

No. 6.—THE ILKESTON DIVISION.

The Sessional Division of Smalley,
and the Parishes in the Sessional Division of Derby of—Breaston, Dray-
cott and Wilne, Hopwell, Longeaton, Ockbrook, Risley, and
Sawley and Wilsthorpe.

No. 7.—THE SOUTHERN DIVISION.

48 & 49 Vict.
c. 23.

Schedule 7.

Divisions of
Counties.

The Sessional Divisions of—
 Derby (except so much as is com-
 prised in Division No. 6 as
 herein described),
 the Municipal Borough of Derby, and the Parish, in the Sessional Division
 of Ashbourn, of Mercaston.

Repton, and
 Swadlingcote,

COUNTY OF DEVON.

Eight Members.—Eight Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE EASTERN OR HONITON DIVISION.

The Sessional Divisions of—
 Axminster,
 Honiton,

Ottery, and
 Woodbury.

No. 2.—THE NORTH-EASTERN OR TIVERTON DIVISION.

The Sessional Divisions of—
 Cullompton, and Wonford (except so much as is comprised
 in the Parliamentary Borough of Exeter),
 and the Municipal Borough of Tiverton.

No. 3.—THE NORTHERN OR SOUTH MOLTON DIVISION.

The Sessional Divisions of—
 Crediton, Great Torrington, and South Molton,
 and the Municipal Borough of South Molton.

No. 4.—THE NORTH-WESTERN OR BARNSTAPLE DIVISION.

The Sessional Divisions of—
 Bideford, and Braunton,
 and the Municipal Boroughs of Barnstaple and Bideford.

No. 5.—THE WESTERN OR TAVISTOCK DIVISION.

The Sessional Divisions of—
 Hatherleigh, Lifton, Roborough, and
 Holsworthy, Midland Roborough, Tavistock,
 and the Municipal Boroughs of Devonport and Plymouth.

No. 6.—THE SOUTHERN OR TOTNES DIVISION.

The Sessional Divisions of—
 Ermington and Plympton, and Stanborough and Coleridge,
 and the Municipal Borough of Totnes.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 7.—THE TORQUAY DIVISION.

The Sessional Division of Paignton,
and the Municipal Borough of Dartmouth.

No. 8.—THE MID OR ASHBURTON DIVISION.

The Sessional Divisions of—
Crockernwell, and Teignbridge.

COUNTY OF DORSET.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN DIVISION.

The Sessional Divisions of—

Blandford	Sherborne (except so much as is	Sturminster.
Shaftesbury,	comprised in Division No. 4	
	as herein described), and	

No. 2.—THE EASTERN DIVISION.

The Sessional Divisions of—

Wareham (except so much as is comprised in Wimborne,
Division No. 3 as herein described), and
and the Municipal Borough of Poole.

No. 3.—THE SOUTHERN DIVISION.

The Sessional Division of—

Dorchester (except so much as is comprised in Division No. 4 as
herein described),
the Municipal Boroughs of Dorchester, and Weymouth and Melcombe
Regis,
and the Parishes in the Sessional Division of Wareham of—Aff-Puddle,
Chaldon-Herring, Coombe Keynes, East Lulworth, Moreton,
Turner's Puddle, West Lulworth, Winfrith, and Wool.

No. 4.—THE WESTERN DIVISION.

The Sessional Divisions of—

Bridport, and Corne,
and the Municipal Boroughs of Bridport and Lyme Regis,
and the Parishes in the Sessional Division of Dorchester of—Abbotsbury,
Chilfrome, Compton Abbas, Compton Vallence, Evershot, Framp-
ton, Frome Vauchurch, Kingston-Russell, Langton-Herring,
Littlebredy, Litton-Cheney, Longbredy, Maiden-Newton, Mel-
bury-Sampford, Portisham, Puncknowle, Rampisham, Swyre,
Toller-Fratrum, Toller-Porcorum, Winterborne Abbas, Winter-
borne-Steepleton, and Wynford-Eagle,
and in the Sessional Division of Sherborne of—Chetnole, Leigh,
Melbury-Osmond, Ryme Intrinsica, Stockwood, and Yetminster.

COUNTY OF DURHAM.

Eight Members.—Eight Divisions.

NAMES AND CONTENTS OF DIVISIONS.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 1.—THE JARROW DIVISION.

The Sessional Division of South Shields,
the Municipal Boroughs of Jarrow and South Shields,
and so much of the Parish of Heworth as is not included in the Municipal
Borough of Gateshead.

No. 2.—THE HOUGHTON-LE-SPRING DIVISION.

The Sessional Divisions of—
Houghton-le-Spring (including the whole | Sunderland,
of the Parish of Moorhouse), and
the Municipal Borough of Sunderland,
and the Parishes in the Sessional Division of Seaham Harbour of—Dalton-
le-Dale, East Murton, Seaham, and Seaton and Slingley.

No. 3.—THE CHESTER-LE-STREET DIVISION.

The Sessional Divisions of—
Chester-le-Street, and Gateshead (except so much as is comprised in
Division No. 1 as herein described),
and the Municipal Borough of Gateshead.

No. 4.—THE NORTH-WESTERN DIVISION.

The Sessional Division of—
Lanchester and Consett,
and the Parishes of—Edmondbyers and Hunstanworth.

No. 5.—THE MID DIVISION.

The Sessional Division of—
Durham including Willington (inclusive of the whole of the Parish of
Shadforth, but exclusive of every part of the Parish of Moorhouse),
and the Municipal Borough of Durham.

No. 6.—THE SOUTH-EASTERN DIVISION.

The Sessional Divisions of—
Castle Eden (exclusive of any part of | Stockton-on-Tees, and
the Parish of Shadforth), | West Hartlepool,
Darlington,
Seaham Harbour (except so much as
is comprised in Division No. 2 as
herein described),
and the Municipal Boroughs of—Darlington, Hartlepool, and Stockton-on-
Tees.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 7.—THE BISHOP AUCKLAND DIVISION.

The Sessional Division of—

Bishop Auckland (except so much as is comprised in Division No. 8 as herein described).

No. 8.—THE BARNARD CASTLE DIVISION.

The Sessional Divisions of—

Barnard Castle and Staindrop,	Stanhope (except the Parishes of Hunstanworth and Ed- mondbyers), and	Wolsingham,
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and the Parishes in the Sessional Division of Bishop Auckland of—Auck-
land St. Helen, Bolam, Crook and Billy Row, Evenwood and
Barony, Hamsterley, North Bedburn, South Bedburn, West
Auckland, and Witton-le-Wear.

COUNTY OF ESSEX.

Eight Members.—Eight Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE SOUTH-WESTERN OR WALTHAMSTOW DIVISION.

The Parishes of Low Leyton, Walthamstow, and Woodford.

No. 2.—THE SOUTHERN OR ROMFORD DIVISION.

The Sessional Division of Bacontree (except so much as is comprised in
Division No. 1 as herein described),
and the Liberty of Havering-atte-Bower.

No. 3.—THE WESTERN OR EPPING DIVISION.

The Sessional Divisions of—

Dunmow (except the Parish of Thaxted), Epping,	Harlow, and Ongar.
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No. 4.—THE NORTHERN OR SAFFRON WALDEN DIVISION.

The Sessional Divisions of—

Freshwell,
Hinckford (North),
Hinckford South (Halstead Bench) (except so much as is com-
prised in Division No. 6 as herein described), and
Walden,

the Municipal Borough of Saffron Walden, and so much of the Municipal
Borough of Sudbury as is situate in the county of Essex,
and the Parish of Thaxted.

No. 5.—THE NORTH-EASTERN OR HARWICH DIVISION.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

The Sessional Divisions of—
Lexden and Winstree (except so much as is comprised in Division No. 6 as herein described), and Tendring,
and the Municipal Boroughs of Colchester and Harwich.

No. 6.—THE EASTERN OR MALDON DIVISION.

The Sessional Divisions of—
Hinckford South (Braintree Bench) and Witham,
the Municipal Borough of Maldon,
and the Parishes, in the Sessional Division of Hinckford South (Halstead Bench), of—
Earls Colne, and Halstead,
and, in the Sessional Division of Lexden and Winstree, of—
Aldham, Easthorpe, Great Tey, Little Tey, Marks Tey, and Pontisbright.

No. 7.—THE MID OR CHELMSFORD DIVISION.

The Sessional Divisions of—
Brentwood (except the Parishes of Rainham and Chelmsford.
and Wennington), and

No. 8.—THE SOUTH-EASTERN DIVISION.

The Sessional Divisions of—
Dengie Orsett, and Rochford,
and the Parishes of Rainham and Wennington.

COUNTY OF GLAMORGAN.

Five Members.—Five Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE EASTERN DIVISION.

The Sessional Divisions of—
Caerphilly Higher, Miskin Higher, and
Caerphilly Lower, including Miskin Lower (except so much as is
the whole of the Parish of comprised in Divisions No. 2 and
Eglwysilan. No. 5 as herein described).

No. 2.—THE RHONDDA DIVISION.

The Parish of Ystradyfodwg.

No. 3.—THE WESTERN OR GOWER DIVISION.

The Sessional Divisions of—
Gower, Pontardawe, and Swansea,
and the Municipal Borough of Swansea.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 4.—THE MID DIVISION.

The Sessional Divisions of—
Neath, and

Newcastle and Ogmore (except so much
as is comprised in Division No. 5 as
herein described),

and the Municipal Borough of Aberavon.

No. 5.—THE SOUTHERN DIVISION.

The Sessional Divisions of—

Cowbridge, Dinas-Powis, and

Kibbor, except any part of
the Parish of Eglwysilan.

the Municipal Borough of Cardiff,

and the Parishes in the Sessional Division of Newcastle and Ogmore of—
Colwinstone, Coychurch Higher, Coychurch Lower, Coyty Higher,
Coyty Lower, Ewenny, Llandow, Llangan, Marcross, Merthyr
Mawr, Monkash, Newcastle Lower, Newton Nottage, Pencoed,
Peterstone, St. Andrew Minor, St. Bride Major, St. Donats, St.
Mary Hill, Tythegston Lower, and Wick.

and in the Sessional Division of Miskin Lower, of—Llantrisant.

COUNTY OF GLOUCESTER.

Five Members.—Five Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE MID OR STROUD DIVISION.

The Sessional Divisions of—

Dursley (except the Parish
of Slimbridge),
Horsley,

Stroud, and
Wootton-under-Edge,

and the Parishes in the Sessional Division of Whitminster, of—Eastington,
Frocester, King Stanley, Leonard Stanley, Randwick, and Stone-
house.

No. 2.—THE NORTHERN OR TEWKESBURY DIVISION.

The Sessional Divisions of—

Berkeley,
Cheltenham,
Gloucester,
Tewkesbury,

Whitminster (except so much as
is comprised in Division No. 1
as herein described), and
Winchcomb,

and the Municipal Boroughs of Gloucester and Tewkesbury,
and the Parish of Slimbridge.

No. 3.—THE EASTERN OR CIRENCESTER DIVISION.

The Sessional Divisions of—

Campden,
Cirencester,
Fairford,

Moreton-in-the-Marsh,
Northleach,

Stow, and
Tetbury.

No. 4.—THE FOREST OF DEAN DIVISION.

The Sessional Divisions of—

Coleford,
Lydney,Newent, and
Newnham.48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 5.—THE SOUTHERN OR THORNBURY DIVISION.

The Sessional Divisions of—

Lawford's Gate (except so much
as is included in the Parliamen-
tary Borough of Bristol),Sodbury, and
Thornbury.

COUNTY OF HANTS, EXCLUSIVE OF THE ISLE OF WIGHT.

Five Members.—Five Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR BASINGSTOKE DIVISION.

The Sessional Divisions of—

Basingstoke and
and the Municipal Borough of Basingstoke.

Odiham,

No. 2.—THE WESTERN OR ANDOVER DIVISION.

The Sessional Divisions of—

Andover,
Kingsclere, andWinchester (except so much as is com-
prised in Division No. 3 as herein
described),the Municipal Boroughs of Andover and Winchester,
and the Parishes, in the Romsey Sessional Division, of—Bossington,
Broughton, Crown Farm, East and West Buckolt, East Tyther-
ley, Frenchmoor, Houghton, Kings Sombourn, Upper Eldon, and
West Tytherley.

No. 3.—THE EASTERN OR PETERSFIELD DIVISION.

The Sessional Divisions of—

Alton, Droxford, and Petersfield,
and the Parishes, in the Winchester Sessional Division, of—Beauworth,
Brighton Bishops Sutton, Bramdean, Brown Candover, Cheriton,
Chilton Candover, Godsfield, Hinton Ampner, Itchen Stoke,
Kilmiston, New Alresford, W., Northington, Old Alresford, Oving-
ton, Ropley, Swarraton, Tichborne, and West Tisted.

No. 4.—THE SOUTHERN OR FAREHAM DIVISION.

The Sessional Divisions of—

Fareham and
Southampton (except so much as is comprised in Division No. 5
as herein described),
and the Municipal Boroughs of Portsmouth and Southampton.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 5.—THE NEW FOREST DIVISION.

The Sessional Divisions of—
Lymington, Romsey (except so much as is comprised in
Ringwood, and Division No. 2 as herein described),
the Municipal Borough of Romsey,
and the Parishes of—Chilworth and North Stoneham.

COUNTY OF HEREFORD.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR LEOMINSTER DIVISION.

The Sessional Divisions of—
Bredwardine, | Kington, | Weobley, and
Bromyard, | Leominster, | Wigmore,
and the Municipal Borough of Leominster.

No. 2.—THE SOUTHERN OR ROSS DIVISION.

The Sessional Divisions of—
Dore, | Hereford, | Ross.
Harewood's End, | Ledbury, and |
and the Municipal Borough of Hereford.

COUNTY OF HERTFORD.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR HITCHIN DIVISION.

The Sessional Divisions of—
Albury (except the Parishes | Buntingford, | Stevenage, and
of Great and Little Had- | Hitchin, | Welwyn,
ham), | Odsey, |
and the Parish of Braughing.

No. 2.—THE EASTERN OR HERTFORD DIVISION.

The Sessional Divisions of—
Bishop Stortford, | Hertford (except so much | Ware (except the
Cheshunt, | as is comprised in Divi- | Parish of
 | sion No. 3 as herein | Braughing),
 | described), and |
the Municipal Borough of Hertford.
and the Parishes of Great Hadham and Little Hadham.

No. 3.—THE MID OR ST. ALBAN'S DIVISION.

**48 & 49 Vict.
c. 23.**

Schedule 7.

The Sessional Divisions of—
 Barnet and St. Alban's,
 the Municipal Borough of St. Alban's,
 and the Parishes in the Sessional Division of Watford of—Aldenham,
 in the Sessional Division of Hertford of—Essendon, Hatfield Bishops,
 and North Mimms.
 and in the Sessional Division of Dacorum of—Flamstead, Great
 Gaddesden, Kensworth, and Little Gaddesden, and such parts of
 the Parishes of Caddington, Studham, and Whipsnade as are in
 the County of Hertford.

Divisions of Counties.

No. 4.—THE WESTERN OR WATFORD DIVISION.

The Sessional Divisions of—

Dacorum (except so much as is comprised in Division No. 3 as herein described), and

**Watford (except as
Parish of Alden-
ham).**

COUNTY OF HUNTINGDON.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.

NO. 1.—THE SOUTHERN OR HUNTINGDON DIVISION.

The Sessional Divisions of—

Leightonstone, and

Toseland.

No. 2.—THE NORTHERN OR RAMSAY DIVISION.

The Sessional Divisions of—

Hurstington,
Norman Cross, and

Ramsey.

COUNTY OF KENT.

Eight Members.—Eight Divisions.

NAMES AND CONTENTS OF DIVISIONS.

NO. 1.—THE WESTERN OR SEVENOAKS DIVISION.

The Sessional Divisions of—

Bromley (except so much as is comprised in Division No. 2 as herein described), and

Sevenoaks,

the Parish of Mottingham,
the area of the Parliamentary Borough of Lewisham,
and so much of the area of the Parliamentary Borough of Deptford as is
included in the County of Kent.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 2.—THE NORTH-WESTERN OR DARTFORD DIVISION.

The Sessional Division of Dartford,
the parishes in the Sessional Division of Bromley of—Foot's Cray, North
Cray, Orpington, St. Mary Cray, and St. Paul's Cray,
and the area of the Parliamentary Boroughs of Greenwich and Woolwich.

No. 3.—THE SOUTH-WESTERN OR TUNBRIDGE DIVISION.

The Sessional Divisions of—
Tunbridge, and Tunbridge Wells,
and the Parishes in the Sessional Division of Malling of—Hunton, East
Peckham, Nettlested, and Yalding.

No. 4.—THE MID OR MEDWAY DIVISION.

The Sessional Divisions of—
Bearstead,
Malling (except so much as is comprised in Division No. 3 as herein
described), and
Rochester, including the parish of Grange (non-corporate member
of Hastings),
and the Municipal Boroughs of Gravesend, Maidstone, and Rochester.

No. 5.—THE NORTH-EASTERN OR FAVERSHAM DIVISION.

The Sessional Division of Faversham,
the Municipal Borough of Faversham,
and the Corporate Town of Queenborough.

No. 6.—THE SOUTHERN OR ASHFORD DIVISION.

The Sessional Divisions of—
Ashford, and Cranbrook,
the Municipal Borough of Tenterden,
the Corporate Towns of Lydd and New Romney,
and so much of the Liberty of Romney Marsh as is not included in Division
No. 7 as herein described.

No. 7.—THE EASTERN OR ST. AUGUSTINE'S DIVISION.

The Sessional Divisions of—
Elham, Home, and Wingham,
the Municipal Boroughs of Canterbury, Deal, Dover, Folkestone, and
Hythe,
and Fordwich (Corporate Town), Bekesbourne (non-corporate member of
Hastings), Ringswold and Kingsdown (non-corporate members of
Dover), and Walmer (non-corporate member of Sandwich),
and such parts of the parishes of—Aldington, Hurst, Lympne, Newington-
next-Hythe, Sellinge, and West Hythe, as are within the Liberty of
Romney Marsh.

No. 8.—THE ISLE OF THANET DIVISION.

The Sessional Division of Ramsgate,
the Municipal Boroughs of Margate and Sandwich,
also Ramsgate and Sarre (non-corporate members of Sandwich), and
Birchington, Minster, St. John, St. Peter, and Wood (non-corporate
members of Dover).

COUNTY OF LANCASTER.

Twenty-three Members.—Twenty-three Divisions.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

NORTH LANCASHIRE.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH LONSDALE DIVISION.

The Sessional Divisions of—

Barrow-in-Furness,	Hawkshead, and	North Lonsdale (in cluding Cartmel),
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and the Parishes in the Sessional Division of South Lonsdale of—Bolton-le-Sands, Borwick, Carnforth, Dalton, Nether Kellet, Over Kellet, Priest Hutton, Silverdale, Warton-with-Lindeth, Yealand-Conyers, and Yealand-Redmayne.

No. 2.—THE LANCASTER DIVISION.

The Sessional Divisions of—

Garstang,	South Lonsdale (except so much as is comprised in Division No. 1 as herein described).
Hornby, and	

and the Municipal Borough of Lancaster.

No. 3.—THE BLACKPOOL DIVISION.

The Sessional Divisions of—

Amounderness,	Leyland (except so much as is comprised in Division No. 4 as herein described),
Kirkham, and	

and the Municipal Borough of Preston.

No. 4.—THE CHORLEY DIVISION.

The Sessional Division of Leyland Hundred,
and the Parishes in the Sessional Division of Leyland of—Clayton-le-Woods, Cherden and Leyland.

NORTH-EAST LANCASHIRE.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 5.—THE DARWEN DIVISION.

The Sessional Divisions of—

Blackburn (except so much as is comprised in Division No. 7 as herein described),	Darwen, and Walton-le-Dale,
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the Municipal Boroughs of Blackburn and Over Darwen,

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

and the Parishes in the Sessional Division of Clitheroe of—Aughton Bailey and Chaigley, Little Bowland, Chipping, and Leagram, and Thornley with Wheatley.

No. 6.—THE CLITHEROE DIVISION.

The Sessional Divisions of—
Burnley (except the Parish of Hapton),
Clitheroe (except so much as is comprised in Division No. 5 as herein described), and
Colne,
and the Municipal Boroughs of Burnley and Clitheroe.

No. 7.—THE ACCRINGTON DIVISION.

The Municipal Borough of Accrington,
and the Parishes of—Altham, Church, Clayton-le-Moors, Hapton, Huncoat, Oswaldtwisle, and Rishton.

No. 8.—THE ROSSENDALE DIVISION.

The Sessional Division of Rossendale,
and so much of the Municipal Borough of Bacup as is not included in the Sessional Division of Rossendale.

SOUTH - EAST LANCASHIRE.

Eight Members.—Eight Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 9.—THE WESTHOUGHTON DIVISION.

The Sessional Division of Bolton (except so much as is comprised in Division No. 12 as herein described),
and the Municipal Borough of Bolton.

No. 10.—THE HEYWOOD DIVISION.

The Sessional Division of Bury (except so much as is comprised in Divisions No. 11 and No. 12 as herein described),
the Municipal Boroughs of Bury and Heywood,
and so much of the Parish of Spotland as is not included in the Local Government District of Whitworth, or in the Municipal Borough of Bacup, or in the Municipal Borough of Rochdale.

No. 11.—THE MIDDLETON DIVISION.

The Sessional Division of Middleton (except so much of the Parish of Spotland as is included in Division No. 10 as herein described, or in the Municipal Borough of Bacup),
the Municipal Borough of Rochdale,
and the Parishes of—Alkrington and Tonge,
and in the Sessional Division of Bury so much of the Parish of Hopwood as is not included in the Municipal Borough of Heywood.

No. 12.—THE RADCLIFFE-CUM-FARNWORTH DIVISION.

48 & 49 Vict.
c. 23.

The Parishes in the Sessional Division of Bolton of—Farnworth, Kearsley, and Little Hulton,
and in the Sessional Division of Bury the Parish of Pilkington, and so much of the Parish of Radcliffe as is not included in the Municipal Borough of Bury.

Schedule 7.

*Divisions of
Counties.*

No. 13.—THE ECCLES DIVISION.

The Parishes of—Barton-upon-Irwell, Clifton, Flixton, Urmston, and Worsley, and so much of the Parish of Pendlebury as is not within the Municipal Borough of Salford.

No. 14.—THE STRETFORD DIVISION.

The Municipal Boroughs of Manchester and Salford, and so much of the Municipal Borough of Stockport as is situate in the County of Lancaster,
and the Parishes of—Bradford, Burnage, Chorlton-cum-Hardy, Didsbury, Harpurhey, Levenshulme, Moss Side, Newton, Reddish, Rusholme, Stretford, and Withington, and so much of the Parish of Heaton Norris as is not included in the Municipal Borough of Stockport.

No. 15.—THE GORTON DIVISION.

The Parishes of—Denton, Haughton, and Openshaw, and so much of the Parish of Gorton as is not included in the Parliamentary Borough of Manchester.

No. 16.—THE PRESTWICH DIVISION.

The Municipal Boroughs of Ashton-under-Lyne and Oldham,
and the Parishes of—Blackley, Chadderton, Crompton, Crumpsall, Droylesden, Failsworth, Great Heaton, Little Heaton, Moston, Prestwich, and Royton, and so much of the Parish of Ashton-under-Lyne as is not included in the Municipal Borough of Ashton-under-Lyne.

SOUTH-WEST LANCASHIRE.

Seven Members.—Seven Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 17.—THE SOUTHPORT DIVISION.

The Sessional Division of—Southport,
the Municipal Borough of Southport,
and the Parishes of—Great Crosby, Ince Blundell, Little Crosby, and Thornton.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 18.—THE ORMSKIRK DIVISION.

The Sessional Division of Ormskirk,
and the Parishes of—Aintree, Dalton, Kirkby, Litherland, Lunt, Netherton,
Orrell and Ford, Sefton, and Upholland,
and, in the Prescott Sessional Division, of—Croxteth Park, Knowsley,
and Prescott.

No. 19.—THE BOOTLE DIVISION.

The Municipal Boroughs of Liverpool and Bootle cum Linacre,
and the Parishes of—Childwall, Fazakerley, Walton-on-the-Hill, and
Wavertree, and so much of the Parishes of West Derby and
Toxteth Park as is not included in the Municipal Borough of Liver-
pool.

No. 20.—THE WIDNES DIVISION.

The Sessional Division of—
Prescot (except the Parish of Rainhill and so much as is comprised
in Division No. 18 and Division No. 21 as herein described),
and the Parishes of—Allerton, Garston, Hale, Halewood, Little Woolton,
Much Woolton, and Speke.

No. 21.—THE NEWTON DIVISION.

The Sessional Divisions of—
St. Helens, and Warrington,
the Municipal Borough of St. Helens, and so much of the Municipal
Borough of Warrington as is situate in the county of Lancaster,
and the Parishes of—Ashton in Makerfield, Billinge Chapel End, Billinge
Higher End, Rainhill, and Winstanley, and so much of the Parish
of Eccleston as is comprised in the Sessional Division of Prescott.

No. 22.—THE INCE DIVISION.

The Municipal Borough of Wigan,
and the Parishes of—Abram, Haigh, Hindley, Ince in Makerfield, Orrell,
and Pemberton.

No. 23.—THE LEIGH DIVISION.

The Sessional Division of Leigh.

COUNTY OF LEICESTER.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE EASTERN OR MELTON DIVISION.

The Sessional Divisions of—
Belvoir, East Norton (except so much as is comprised in
Division No. 4, as herein described), and Melton Mowbray,
and the Parishes in the Sessional Division of Leicester of—Barkby, Barkby
Thorpe, Beeby, Belgrave, Birstall, Bushby, Evington, Great

Stretton, Houghton-on-the-Hill, Humberstone, Hungarton, Keyham, Little Stretton, North Thurmaston, Queeniborough, Ratcliffe-on-the-Wreak, Rearsby, Scraptoft, South Croxton, South Thurmaston, Stoughton, Syston, Thurnby, and Wanlip,
and the Parishes in the Sessional Division of Loughborough, of—Cossington, Seagrave, and Sileby.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 2.—THE MID OR LOUGHBOROUGH DIVISION.

The Sessional Division of—
Loughborough (except so much as is comprised in Division No. 1 as herein described),
and the Parishes, in the Sessional Division of Ashby-de-la-Zouch, of—Bardon, Breedon, Osgathorpe, Thringstone, and Whitwick,
and in the Sessional Division of Leicester, of—Ansty, Ansty Pastures, Beaumont Leys, Cropston, Gilroes, Leicester Abbey, Leicester Frith, Markfield, Newtown Linford, Ratby, and Thurmaston.

No. 3.—THE WESTERN OR BOSWORTH DIVISION.

The Sessional Divisions of—
Ashby-de-la-Zouch (except so much as is Market Bosworth.
comprised in Division No. 2 as herein
described), and

No. 4.—THE SOUTHERN OR HARBOROUGH DIVISION.

The Sessional Divisions of—
Lutterworth, and Market Harborough,
and so much of the Sessional Division of Leicester as is not comprised in
Divisions No. 1 and No. 2 as herein described,
and the Parishes, in the Sessional Division of East Norton, of—Blaston,
Brighthurst, Cranoe, Drayton, Glooston, Great Easton, Hallaton,
Horninghold, Nevill Holt, Stockerston, and Stoke Dry with Holy
Oaks,
and the Municipal Borough of Leicester.

COUNTY OF LINCOLN.

Seven Members.—Seven Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WEST LINDSEY OR GAINSBOROUGH DIVISION.

The Sessional Divisions in the parts of Lindsey of—
Epworth, Gainsborough, and Lincoln,
the Municipal Borough of Lincoln,
and the parish of Bracebridge.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 2.—THE NORTH LINDSEY OR BRIGG DIVISION.

The Sessional Divisions in the parts of Lindsey of—
Barton-on-Humber, Grimsby (except so much as is comprised in Division No. 3 as herein described), and Winterton,
Brigg, |
and the Municipal Borough of Great Grimsby.

No. 3.—THE EAST LINDSEY OR LOUTH DIVISION.

The Sessional Divisions in the parts of Lindsey of—
Louth, Market Rasen, and Wragby.
the Municipal Borough of Louth,
and the Parishes—
in the Sessional Division of Alford of—
East Theddlethorpe (St. Helens), Gayton-le-Marsh, Mablethorpe,
South Reston, and West Theddlethorpe (All Saints).
in the Sessional Division of Grimsby of—
Fulstow, Grainsby, Haverby-cum-Beesby, Holton-le-Clay,
Humberstone, Marshchapel, North Cotes, North Thoresby,
Swinhope, Tetney Waith, and Wold Newton, and
in the Sessional Division of Horncastle of—
Asterby, Baumber, Belchford, Bucknall, Cawkwell, Gautby,
Goulceby, Great Sturton, Hemingby, Horsington, Market
Stainton, Minting, Ranby, Scamblesby, Stenigot, Stixwoud,
Waddingworth, and Wispington.

No. 4.—THE SOUTH LINDSEY OR HORNCASTLE DIVISION.

The Sessional Divisions in the parts of Lindsey of—
Alford (except so much as is comprised in Division No. 3 as herein described),
Horncastle (except so much as is comprised in Division No. 3 as herein described), and
Spilsby.

No. 5.—THE NORTH KESTEVEN OR SLEAFORD DIVISION.

The Sessional Divisions in the parts of Kesteven of—
Lincoln (except the Parish of Bracebridge), and
Sleaford,
and the Parishes in the Sessional Division (in the parts of Holland) of
Kirton and Skirbeck of—Amber Hill, Bicker, Brothertoft, Donington, Copping Syke, Drainage Marsh, Ferry Corner Plot, Gibbet Hills, Great Beats, Little Beats, Great Brand End Plot, Little Brand End Plot, Hart's Grounds, Mown Rakes, North Fortyfoot Bank, Pelham's Lands, Royalty Farm, Seven Acres, South of the Witham, and Swineshead.

No. 6.—THE SOUTH KESTEVEN OR STAMFORD DIVISION.

The Sessional Divisions in the parts of Kesteven of—
Bourn, and Spittlegate,
the Municipal Borough of Grantham, and so much of the Municipal
Borough of Stamford as is situate in the County of Lincoln,
and in the Sessional Division (in the parts of Holland) of Elloe the Parish
of Crowland.

No. 7.—THE HOLLAND OR SPALDING DIVISION.

The Sessional Divisions in the parts of Holland of—
 Elloe (except the Parish of Crowland), and
 Kirton and Skirbeck (except so much as is comprised in Division
 No. 5 as herein described),
 and the Municipal Borough of Boston.

48 & 49 Vict.
 c. 23.

Schedule 7.

*Divisions of
 Counties.*

COUNTY OF MIDDLESEX.

Seven Members.—Seven Divisions.

NAMES AND CONTENTS OF DIVISIONS.**No. 1.—THE ENFIELD DIVISION.**

The Parishes of—Edmonton, Enfield, Fryern Barnet, Monken Hadley,
 and South Mimms.

No. 2.—THE TOTTENHAM DIVISION.

The Parish of Tottenham,
 and the area included in the Parliamentary Boroughs of Bethnal Green,
 Hackney, Shoreditch, and Tower Hamlets.

No. 3.—THE HORNSEY DIVISION.

The Parishes of—Finchley and Hornsey (including South Hornsey),
 and the area included in the Parliamentary Boroughs of City of London,
 Finsbury, and Islington.

No. 4.—THE HARROW DIVISION.

The Parishes of Edgware, Great Stanmore, Harrow-on-the-Hill, Hendon,
 Kingsbury, Little Stanmore, Pinner, Twyford Abbey, and Wil-
 lesden,
 and the area included in the Parliamentary Boroughs of Hampstead,
 Marylebone, Paddington, and St. Pancras.

No. 5.—THE EALING DIVISION.

The Parishes of Acton, Chiswick, Ealing (except so much as is included
 in the Brentford Local Government District), Greenford, and
 Perivale, and the detached part of the parish of Hanwell, which
 is situate between Ealing and Twyford,
 and the area included in the Parliamentary Boroughs of Chelsea, Fulham,
 Hammersmith, Kensington, St. George Hanover Square, Strand,
 and Westminster.

No. 6.—THE BRENTFORD DIVISION.

The Local Government District of Brentford,
 and the Parishes of Hanwell (except the detached part included in No. 5
 Division as herein described), Heston, Isleworth, Norwood, and
 Twickenham.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 7.—THE UXBRIDGE DIVISION.

The Parishes of Ashford, Cowley, Cranford, East Bedfont, Feltham, Hampton, Hampton Wick, Hanworth, Harefield, Harlington, Harmondsworth, Hayes, Hillingdon, Ickenham, Laleham, Littleton, Northolt, Ruislip, Shepperton, Staines, Stanwell, Sunbury, Teddington, Uxbridge, and West Drayton.

COUNTY OF MONMOUTH.

Three Members.—Three Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN DIVISION.

The Sessional Divisions of—
Abergavenny, Pontypool, and Skenfrith.

No. 2.—THE WESTERN DIVISION.

The Sessional Division of Bedwellty (except the Parishes of Bedwas and Mynyddislwyn).

No. 3.—THE SOUTHERN DIVISION.

The Sessional Divisions of—
Caerleon, Monmouth, Trellech, and
Chepstow, Newport, Usk,
Christchurch, Raglan,
the Municipal Boroughs of Monmouth and Newport,
and the Parishes of—Bedwas and Mynyddislwyn.

COUNTY OF NORFOLK.

Six Members.—Six Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH-WESTERN DIVISION.

The Sessional Divisions of—
Freebridge Lynn, Gallow, and
Freebridge Marshland, Smithdon and Brothercross,
and the Municipal Borough of King's Lynn.

No. 2.—THE SOUTH-WESTERN DIVISION.

48 & 49 Vict.
c. 23.

Schedule 7.

The Sessional Divisions of—
Clackclose, South Greenhoe, and
Grimshoe, Wayland,
and so much of the Municipal Borough of Thetford as is situate in the
County of Norfolk.

Divisions of
Counties.

No. 3.—THE NORTHERN DIVISION.

The Sessional Divisions of—

Eynsford,	North Greenhoe, and
Holt,	South Erpingham (except so much as is
North Erpingham,	comprised in Division No. 4 as herein
	described).

No. 4.—THE EASTERN DIVISION.

The Sessional Divisions of—

Blofield and Walsham,	Taverham, and
East and West Flegg,	Tunstead and Happing,

so much of the Municipal Borough of Great Yarmouth as is situate in the
County of Norfolk,
and the Parishes in the Sessional Division of South Erpingham of—
Belaugh, Coltishall, Great Hautbois, Lammas with Little Haut-
bois, Scottow, and Swanton Abbot.

No. 5.—THE MID DIVISION.

The Sessional Divisions of—

Forehoe,	Mitford and Launditch.
Guiltcross and Shropsham, and	

No. 6.—THE SOUTHERN DIVISION.

The Sessional Divisions of—

Depwade,	Earsham,	Swainsthorpe.
Diss,	Loddon and Clavering, and	

COUNTY OF NORTHAMPTON.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN DIVISION.

The Sessional Divisions of—

Kettering (except so much as is	Oundle, and
comprised in Divisions No. 2	Thrapstone,
and No. 3 as herein described),	

the Liberty of the Soke of Peterborough,
and so much of the Municipal Borough of Stamford as is included in the
County of Northampton.

44 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 2.—THE EASTERN DIVISION.

The Sessional Division of Wellingborough,
and the Parishes in the Sessional Division of Kettering of—Broughton,
Cransley, Kettering, and Pytchley.

No. 3.—THE MID DIVISION.

The Sessional Divisions of—
Little Bowden, and Northampton,
the Parishes—
in the Sessional Division of Kettering of—
Draughton, Faxton, Glendon, Harrington, Loddington, Maws-
ley, Orton, Rothwell, and Thorpe Malzor, and
in the Sessional Division of Daventry of—
Ashby St. Ledgers, Barby, Claycoton, Crick, Elkington, Kilsby,
Lilbourne, Long Buckley, Stanford, Watford, West Haddon,
Winwick, and Yelvertoft,
and the Municipal Borough of Northampton.

No. 4.—THE SOUTHERN DIVISION.

The Sessional Divisions of—
Brackley, Daventry (except so much as is Towcester.
comprised in Division No. 3
as herein described), and

COUNTY OF NORTHUMBERLAND.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WANSBECK DIVISION.

The Sessional Divisions of—
Bedlingtonshire, Castle East (except the Parish Morpeth,
of Wallsend), and
and the Parishes—
in the Sessional Division of Castle West of—Berwick Hill,
Brenkley, Callerton High, Callerton Little, Coldcoats, Cram-
lington, Dalton, Darras Hall, Dinnington, East Heddon, Each-
wick, Heddon-on-the-Wall, Higham Dykes, Horton Grange,
Houghton and Close House, Kirkley, Mason, Milburn, Milburn
Grange, North Dissington, Ponteland, Prestwick, Rudchester,
South Dissington, Stannington, West Heddon, Whitchester,
and Wylam,
and in the Sessional Division of Coquetdale East of—Acklington,
Acklington Park, Amble, Gloster Hill, Hauxley, Morwich,
Togstone, and Warkworth.

No. 2.—THE TYNESIDE DIVISION.

The Sessional Division of Castle West (except so much as is comprised in Division No. 1 as herein described),
the Municipal Boroughs of Newcastle-upon-Tyne, and Tynemouth,
and the Parish of Wallsend.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 3.—THE HEXHAM DIVISION.

The Sessional Divisions of—

Bellingham,
Coquetdale, West,

Haltwhistle, and
Tynedale.

No. 4.—THE BERWICK-UPON-TWEED DIVISION.

The Sessional Divisions of—

Bamburgh,
Coquetdale, East (except
so much as is comprised
in Division No. 1 as
herein described),

Coquetdale, North,
Glendale, and
Norhamshire and Islandshire,

and the Municipal Borough of Berwick-upon-Tweed.

COUNTY OF NOTTINGHAM.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.**No. 1.—THE BASSETLAW DIVISION.**

The Sessional Divisions of—

Retford and

Worksop,

the Municipal Borough of East Retford,

the Parishes in the Sessional Division of Mansfield of—Clipstone, Sookholme, and Warsop,

and in the Sessional Division of Southwell of—Bilsthorpe and Eakring.

No. 2.—THE NEWARK DIVISION.

The Sessional Divisions of—

Bingham

Southwell (except so much as is comprised in
Division No. 1 as herein described),

Newark, and

the Municipal Borough of Newark,

and the Parishes in the Sessional Division of Nottingham of—Bulcote, Calverton, Caythorpe, Epperstone, Gonalstone, Gunthorpe, Lowdham, and Oxton.

No. 3.—THE RUSHCLIFFE DIVISION.

The Sessional Division of Nottingham (except so much as is comprised in Divisions No. 2 and No. 4 as herein described).

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 4.—THE MANSFIELD DIVISION.

The Sessional Division of Mansfield (except so much as is comprised in Division No. 1 as herein described),
and the Parishes in the Sessional Division of Nottingham of—Annesley, Eastwood, Felley, and Greasley.

COUNTY OF OXFORD.

Three Members.—Three Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR BANBURY DIVISION.

The Sessional Divisions of—
Banbury and Bloxham, Chadlington, and Wootton North,
and the Municipal Borough of Banbury.

No. 2.—THE MID OR WOODSTOCK DIVISION.

The Sessional Divisions of—
Bampton East, Ploughley, and
Bampton West, Wootton South,
so much of the Municipal Borough of Oxford as is included in the county of Oxford,
and the Parishes in the Sessional Division of Bullingdon of—Beckley, Cutslow, Elsfield, Foresthill, with Shotover and Shotover Hill Place, Hampton Gay, Hampton Poyle, Horton cum Studley, Noke, Stanton St. John, Stowood, Studley, and Woodeaton,
and so much of the Parishes of Headington, Marston, St. Clements, St. Giles, and Woolvercott as is not included in the Municipal Borough of Oxford,
and so much of the Parishes of Cowley and Iffley as is included in the Parliamentary Borough of Oxford and not in the Municipal Borough.

No. 3.—THE SOUTHERN OR HENLEY DIVISION.

The Sessional Divisions of—
Henley, Bullingdon (except so much as is
Watington, and comprised in Division No. 2 as
herein described),
the Municipal Borough of Henley-on-Thames,
and so much of the Municipal Borough of Abingdon as is included in the County of Oxford.

COUNTY OF RUTLAND.

One Member.

COUNTY OF SALOP.

48 & 49 Vict.
c. 23.

Schedule 7.

Four Members.—Four Divisions.

*Divisions of
Counties.*

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WESTERN OR OSWESTRY DIVISION.

The Sessional Divisions of—

Chirbury,	Oswestry, and
Condover,	Pimhill (except so much as is comprised in
Ford,	Division No. 2 as herein described),

the Municipal Borough of Oswestry,
and (in the Sessional Division of Albrighton) the Parish of Fitz.

No. 2.—THE NORTHERN OR NEWPORT DIVISION.

The Sessional Divisions of—

Albrighton (except so much as is comprised in Division No. 1 as herein described),	Bradford Newport (except so much as is comprised in Division No. 3 as herein described),
Bradford Drayton,	Bradford Wem, Bradford Whitchurch, and Brinstree Shiffnall,

the Municipal Borough of Shrewsbury,
the Parish, in the Sessional Division of Pimhill of—Middle,
and the Parishes in the Sessional Division of Bradford Wellington of—
Atcham, Ercall Magna, Longdon-upon-Tern, Rodington, Upton
Magna, Waters Upton, and Withington.

No. 3.—THE MID OR WELLINGTON DIVISION.

The Sessional Division of Bradford Wellington (except so much as is
comprised in Division No. 2 as herein described),
the Parishes in the Sessional Division of Bradford Newport of—Lilleshall,
and Preston-on-the-Weald Moors,
and the Parishes in the Municipal Borough of Wenlock of—Benthall,
Broseley, Little Wenlock, and Madeley.

No. 4.—THE SOUTHERN OR LUDLOW DIVISION.

The Sessional Divisions of—

Bishop's Castle,	Clun and Purslow,	Munslow, Upper,
Brinstree, South, and	Munslow, Lower, and	and
Stottesden Chel-	part of Overs and	Stottesden Cleo-
marsh,	Stottesden,	bury,
Burford,		

and the Municipal Boroughs of Bridgnorth, Ludlow, and Wenlock, except
so much as is comprised in Division No. 3 as herein described).

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

COUNTY OF SOMERSET.

Seven Members.—Seven Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN DIVISION.

The Sessional Divisions of—
Keynsham, Long Ashton, and Temple Cloud,
and the Parish, in the Sessional Division of Wells, of—Binegar,
and in the Sessional Division of Kilmersdon of—Chilcompton
and Midsomer-Norton.

No. 2.—THE WELLS DIVISION.

The Sessional Divisions of—
Axbridge and Wells (except so much as is comprised in
Divisions No. 1 and No. 4 as herein
described),
and the Municipal Borough of Wells.

No. 3.—THE FROME DIVISION.

The Sessional Divisions of—
Frome, Kilmersdon (except so much as is Weston,
comprised in Division No. 1 as
herein described), and
the Municipal Borough of Bath,
and the Parishes, in the Sessional Division of Shepton Mallet of—Ashwick,
Batcombe, Downhead, East Cranmore, Stoke Lane, Upton Noble,
and West Cranmore.

No. 4.—THE EASTERN DIVISION.

The Sessional Divisions of—
Shepton Mallet (except so much as is Somerton, and
comprised in Division No. 3 as Wincanton,
herein described),
and the Parishes, in the Sessional Division of Wells, of—Glastonbury,
North Wootton, and West Pennard.

No. 5.—THE SOUTHERN DIVISION.

The Sessional Divisions of—
Crewkerne, Ilminster (except so Yeovil,
much as is comprised
in Division No. 6 as
herein described), and
the Municipal Borough of Yeovil.

No. 6.—THE BRIDGWATER DIVISION.48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

The Sessional Divisions of—
 Bridgwater, and Taunton (except so much as is comprised in
 Division No. 7 as herein described),
 and the Municipal Borough of Bridgwater,
 and the Parishes, in the Sessional Division of Ilminster, of—
 Asbill, Beer Crocombe, Broadway, Buckland St. Mary, Combe St.
 Nicholas, Currey-Mallet, Donyatt, Fivehead, Hatch-Beau-
 champ, Ilminster, Ilton, Isle Abbots, Isle Brewers, South
 Bradon, and Whitestaunton.

No. 7.—THE WESTERN OR WELLINGTON DIVISION.

The Sessional Divisions of—
 Bishop's Lydeard, | Dunster, | Williton, and
 Dulverton, | Wellington, | Wiveliscomb,
 and the Parishes, in the Sessional Division of Taunton, of—Angersleigh,
 Bishop's Hull, Kingston (near Taunton), Norton-Fitzwarren,
 Oake, Otterford, Pitminster, Staplegrove, Taunton St. James,
 Taunton St. Mary, Trull, and Wilton.

COUNTY OF STAFFORD.

Seven Members.—Seven Divisions.

NAMES AND CONTENTS OF DIVISIONS.**No. 1.—THE LEEK DIVISION.**

The Sessional Divisions of—
 Cheadle, and Leek,
 and the Parishes, in the Sessional Division of Uttoxeter, of—Calwich,
 Croxden, Ellastone, Mayfield, Okeover, Prestwood, Ramshorn,
 Rocester, Stanton, and Wootton.

No. 2.—THE BURTON DIVISION.

The Sessional Divisions of—
 Burton-upon-Trent, and Uttoxeter (except so much as is
 comprised in Division No. 1 as
 herein described).

No. 3.—THE WESTERN DIVISION.

The Sessional Divisions of—
 Penkridge (except so much as is comprised in Division
 No. 5 as herein described), Stafford, including the whole of
 the Parish of Gnosall, and
 Stone,
 and the Municipal Borough of Stafford.

48 & 49 Vict.
c. 23.

Schedule 7.

Divisions of
Counties.

No. 4.—THE NORTH-WESTERN DIVISION.

The Sessional Divisions of—
Eccleshall (except any part of the Parish of Gnosall)
and Pirehill North,
and the Municipal Boroughs of Hanley, Longton, and Newcastle-under-Lyme.

No. 5.—THE LICHFIELD DIVISION.

The Sessional Divisions of—
Elford, Rugeley, and Shenstone,
the Municipal Borough of Lichfield, and so much of the Municipal Borough
of Tamworth as is included in the County of Stafford,
and the Parishes, in the Sessional Division of Penkridge, of—Great Wyrley,
and Norton Canes.

No. 6.—THE KINGSWINFORD DIVISION.

The Sessional Divisions of—
Bilston, | Rowley Regis, | Willenhall, and
Kingswinford and Wordsley, | Sedgley, | Wolverhampton,
and the Municipal Borough of Wolverhampton.

No. 7.—THE HANDSWORTH DIVISION.

The Sessional Divisions of—
Rushall, Wednesbury, and
Tipton, West Bromwich,
and the Municipal Borough of Walsall.

COUNTY OF SUFFOLK.

Five Members.—Five Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR LOWESTOFT DIVISION.

The Sessional Divisions of—
Beccles, Bungay, and Mutford and Lothingland,
so much of the Municipal Borough of Great Yarmouth as is included in
the County of Suffolk,
the Municipal Borough of Southwold,
and the Parishes, in the Sessional Division of Blything, of—Benacre, Bly-
ford, Brampton, Chediston, Covehithe, Easton Bavents, Frostenden,
Halesworth, Henham, Henstead, Holton, Reydon, Rumburgh,
Sotherton, South Cove, Spexhall, Stoven, Uggeshall, Wangford,
Westhall, Wissett, and Wrentham.

No. 2.—THE NORTH-EASTERN OR EYE DIVISION.48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

The Sessional Divisions of—
 Blything (except so much as
 is comprised in Division
 No. 1 as herein described),
 and the Municipal Borough of Eye.

Framlingham,
 Hartismere, and
 Hoxne,

No. 3.—THE NORTH-WESTERN OR STOWMARKET DIVISION.

The Sessional Divisions of—
 Blackbourn,
 Lackford,
 Newmarket (except so much
 as is comprised in Division
 No. 4 as herein described),
 and the Municipal Borough of Bury St. Edmunds, and so much of the
 Municipal Borough of Thetford as is included in the County of
 Suffolk.

Stowmarket, and
 Thingoe and Thedwestry (except so
 much as is comprised in Division
 No. 4 as herein described),

No. 4.—THE SOUTH OR SUDBURY DIVISION.

The Sessional Divisions of—
 Boxford
 Hadleigh or Cosford,
 so much of the Municipal Borough of Sudbury as is included in the County
 of Suffolk,
 the Parishes in the Sessional Division of Newmarket of—Cowlinge, Lidgate,
 and Ousden.
 and, in the Sessional Division of Thingoe and Thedwestry, of—
 Brockley, Chedburgh, Chevington, Depden, Hargrave, Rede,
 Whepstead, and Wickhambrook.

Melford, and
 Risbridge,

No. 5.—THE SOUTH-EASTERN OR WOODBRIDGE DIVISION.

The Sessional Divisions of—
 Bosmere and Claydon,
 the Municipal Borough of Ipswich,
 and the corporate town of Aldeburgh.

Samford, and

Woodbridge,

COUNTY OF SURREY.

Six Members.—Six Divisions.

NAMES AND CONTENTS OF DIVISIONS.**No. 1.—THE NORTH-WESTERN OR CHERTSEY DIVISION.**

The Sessional Division of Chertsey,
 so much of the Sessional Division of Guildford as is included in the
 Hundred of Woking but is not included in the Parish of Stoke-
 next-Guildford,
 and (in the Sessional Division of Farnham) the Parish of Frimley.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 2.—THE SOUTH-WESTERN OR GUILDFORD DIVISION.

The Sessional Divisions of—

Farnham (except so much as is comprised in Division No. 1 as herein described), and

Guildford (except so much as is comprised in Division No. 1 as herein described),

and the Municipal Boroughs of Godalming and Guildford.

No. 3.—THE SOUTH-EASTERN OR REIGATE DIVISION.

The Sessional Divisions of—

Dorking (except so much as is comprised in Division No. 4 as herein described),

Godstone (except so much as is comprised in Division No. 6 as herein described), and

Reigate,

and the Municipal Borough of Reigate.

No. 4.—THE MID OR EPSOM DIVISION.

The Sessional Divisions of—

Epsom, and

Kingston (except so much as is comprised in Division No. 5 as herein described),

and the Parishes, in the Sessional Division of Dorking, of—Effingham and Mickleham.

No. 5.—THE KINGSTON DIVISION.

The Sessional Division of Richmond,
the Municipal Borough of Kingston-upon-Thames,
and the Parish of Ham and Hatch; and so much of the Parish of Kingston as is not included in the Municipal Borough of Kingston-upon-Thames.

No. 6.—THE NORTH-EASTERN OR WIMBLEDON DIVISION.

The Sessional Division of Croydon (except so much as is within a District of the Metropolis),
the Parishes in the Sessional Division of Godstone of—Caterham, Chelsham, Farley, and Warlingham,
the Parishes in the Sessional Division of Wandsworth of—Merton and Wimbledon,
and so much as is included in the County of Surrey of the area of the Parliamentary Borough of Deptford,
and the area of the Parliamentary Boroughs of—Battersea and Clapham, Camberwell, Lambeth, Newington, Southwark, and Wandsworth.

COUNTY OF SUSSEX.

48 & 49 Vict.
c. 23.

Schedule 7.

Six Members.—Six Divisions.

Divisions of
Counties.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTH-WESTERN OR HORSHAM DIVISION.

The Sessional Divisions of—

Horsham, Midhurst, and Petworth,
and (in the Sessional Division of Cuckfield) the Parish of Crawley.

No. 2.—THE SOUTH-WESTERN OR CHICHESTER DIVISION.

The Sessional Divisions of—

Arundel, and Chichester,
the Parishes in the Sessional Division of Steyning of—Ashington, Findon,
Storrington, Sullington, Thakenham, Warminghurst, Washing-
ton, and Wiston,
and the Municipal Borough of Chichester.

No. 3.—THE NORTHERN OR EAST GRINSTEAD DIVISION.

The Sessional Divisions of—

Cuckfield (except so much as is comprised in Division No. 1 as
herein described),
East Grinstead, and
Uckfield (except so much as is comprised in Division No. 5 as
herein described).

No. 4.—THE MID OR LEWES DIVISION.

The Sessional Divisions of—

Hove,
Lewes (except so much as is comprised in Division No. 5 as
herein described)
Steyning (except so much as is comprised in Division No. 2 as
herein described), and
Worthing,
and the Municipal Borough of Brighton.

No. 5.—THE SOUTHERN OR EASTBOURNE DIVISION.

The Sessional Division of Hailsham.

The Corporate Towns of Pevensay and Seaford,
the Parishes in the Sessional Division of Lewes of—Alciston, Beddingham,
Berwick, Bishopstone, Chalvington, Denton, East Blatchington,
Glynde, Newhaven, Ringmer, Ripe, Selmeston, South Highton,
Tarring Neville, and West Firle,
and in the Sessional Division of Uckfield of—East Hoathley, and
Waldron.

Schedule 7.

The Sessional Divisions of—

Rye,

Hastings, and

the Municipal Boroughs of Hastings and Rye,
the Ancient Town of Winchelsea,
and the Liberty of the Sluice and Petit Iham (non-corporate members of
Hastings).

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

The Sessional Divisions of—

Atherstone (except so much as is comprised in Division No. 2 as herein described),

Birmingham,

Coleshill (except so much as is comprised in Division No. 2 as herein described), and

Solihull.

the Municipal Borough of Birmingham, and so much of the Municipal Borough of Tamworth as is included in the County of Warwick.

**The Sessional Division of Coventry,
the Municipal Borough of Coventry,**

the Parishes in the Sessional Division of Atherstone of—Ansley, Atherstone, Baddesley Ensor, Baxterley, Bentley, Coldecote, Chilvers-Coton, Hartshill, Mancetter, Nuneaton, Oldbury, Weddington, and so much of the Parish of Merevale as is included in the County of Warwick.

and in the Sessional Division of Coleshill of—Arley, Fillongley, Great Packington, Kinwalsey, Little Packington, and Meriden.

The Sessional Divisions of—

Warwick (including the whole of Bishops-Tachbrook parish), and

Stratford and

Snitterfield and

so much of the Sessional Division of Kenilworth as is included in the Parliamentary Borough of Warwick and Leamington, and the Municipal Boroughs of—Leamington, Stratford-on-Avon, and Warwick.

No. 4.—THE SOUTH-EASTERN OR RUGBY DIVISION.

48 & 49 Vict.
c. 23.

The Sessional Divisions of—

Burton Dassett and Kington,
Kenilworth (except so much as is com-
prised in Division No. 3 as herein
described),

Rugby, and
Southam.

Schedule 7.

*Divisions of
Counties.*

COUNTY OF WESTMORELAND.

Two Members.—Two Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR APPLEBY DIVISION.

The Sessional Divisions of—

Ambleside,

East Ward, and
West Ward.

No. 2.—THE SOUTHERN OR KENDAL DIVISION.

The Sessional Divisions of—

Kendal, and
and the Municipal Borough of Kendal.

Lonsdale,

COUNTY OF WILTS.

Five Members.—Five Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE NORTHERN OR CRICKLADE DIVISION.

The Sessional Divisions of—

Cricklade, and

Swindon.

No. 2.—THE NORTH-WESTERN OR CHIPPENHAM DIVISION.

The Sessional Divisions of—

Calne,

Chippenham, and

Malmesbury.

No. 3.—THE WESTERN OR WESTBURY DIVISION.

The Sessional Divisions of—

Bradford,
Melksham,
Trowbridge and
Westbury,

Warminster (except so much as is comprised
in Division No. 5 as herein described), and
Whorwelsdown.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

No. 4.—THE EASTERN OR DEVIZES DIVISION.

The Sessional Divisions of—
Devizes, Marlborough and Ramsbury,
Everley and Pewsey (except so
much as is comprised in Divi-
sion No. 5 as herein described),
and the Municipal boroughs of Devizes and Marlborough.

No. 5.—THE SOUTHERN OR WILTON DIVISION.

The Sessional Divisions of—
Hindon, and Salisbury and Amesbury,
the Municipal Borough of Salisbury,
and the Parishes in the Sessional Division of Everley and Pewsey of—
Figheldean and Milston,
and in the Sessional Division of Warminster of—Fisherton-de-la-
Mere, and Willy.

COUNTY OF WORCESTER.

Five Members.—Five Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE WESTERN OR BEWDLEY DIVISION.

The Sessional Divisions of—
Hundred House, Stourport (except so much | Worcester,
Malvern (except so | as is comprised in Divi-
much as is comprised | sion No. 3 as herein
in Division No. 2 as | described),
herein described), | Tenbury, and
and the Municipal Boroughs of Bewdley and Worcester.

No. 2.—THE SOUTHERN OR EVESHAM DIVISION.

The Sessional Divisions of—
Blockley, | Pershore, and
Evesham, | Upton-on-Severn,
the Municipal Borough of Evesham,
the Parishes in the Sessional Division of Redditch of—Feckenham and
Inkberrow,
and the Parish in the Sessional Division of Malvern of—Little Malvern.

No. 3.—THE MID OR DROITWICH DIVISION.

The Sessional Divisions of—
Droitwich, | Stourbridge (except so much as is com-
Kidderminster, and | prised in Division No 4 as herein
described),
the Municipal Boroughs of Droitwich and Kidderminster,

the Parishes in the Sessional Division of Stourport of—Lower Milton with
Stourport, and Upper Mitton,
and in the Sessional Division of Redditch of—Bentley Paucefoot,
and Webheath,
and in the Sessional Division of Bromsgrove of—Grafton Manor,
Stoke Prior, and Upton Warren.

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 4.—THE NORTHERN DIVISION.

The Sessional Divisions of—
Halesowen, and Oldbury,
the Municipal Borough of Dudley,
the Parishes in the Sessional Division of Stourbridge of—Cradley, Lutley,
and Lye,
and the Parish in the Sessional Division of Northfield of—Northfield.

No. 5.—THE EASTERN DIVISION.

The Sessional Divisions of—

Bromsgrove (except so much
as is comprised in Division
No. 3 as herein described),
Northfield (except so much as
is comprised in Division
No. 4 as herein described),
and

Redditch (except so much as is
comprised in Divisions No. 2
and No. 3 as herein described).

COUNTY OF YORK.

Twenty-six Members.—Twenty-six Divisions.

NORTH RIDING.

Four Members.—Four Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 1.—THE THIRSK AND MALTON DIVISION.

The Sessional Divisions of—

Bidforth,

East Bulmer (except so much as is added to the Municipal
Borough of York by the York Extension and Improvement
Act, 1884),

Hallikeld, Malton, and West Bulmer

the Wapentake of the Ainsty of York (except so much as is included
in the Municipal Borough of York as extended by the York
Extension and Improvement Act, 1884),

and the Municipal Borough of York, inclusive of the places added to that
Borough by the York Extension and Improvement Act, 1884
(47 & 48 Vict. c. ccxxxii.).

44 & 49 Vict.
c. 23.

Schedule 7.

*Provisions of
Constitution.*

No. 2.—THE RICHMOND DIVISION.

The Sessional Divisions of—

Allertonshire,	East Hang,	West Gilling, and
East Gilling,	Greta Bridge,	West Hang,

and the Municipal Borough of Richmond.

No. 3.—THE CLEVELAND DIVISION.

The Sessional Divisions of—

East Langbaugh (except so much as is comprised in Division No. 4 as herein described,	North Langbaugh, West Langbaugh, and Yarm,
---	--

and the Municipal Borough of Middlesborough.

No. 4.—THE WHITBY DIVISION.

The Sessional Divisions of—

East Pickering Lythe, Ryedale,	West Pickering Lythe, and Whitby Strand,
-----------------------------------	---

the Municipal Borough of Scarborough,
and the Parishes of Danby and Easington.

EAST RIDING.

Three Members.—Three Divisions.

NAMES AND CONTENTS OF DIVISIONS.

No. 5.—THE HOLDERNESS DIVISION.

The Sessional Divisions of—

Middle Holderness,	North Hunsley Beacon, and
North Holderness,	South Holderness,

and the Municipal Boroughs of Beverley and Kingston-upon-Hull.

No. 6.—THE BUCKROSE DIVISION.

The Sessional Divisions of—

Bainton Beacon.	Buckrose, and	Dickering.
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No. 7.—THE HOWDENSHERE DIVISION.

The Sessional Divisions of—

Holme Beacon,	South Hunsley Beacon, and
Howdenshire,	Wilton Beacon.

Ouse and Derwent (except so much as is included in the Municipal Borough of York by virtue of the York Extension and Improvement Act, 1884).

WEST RIDING.**Nineteen Members.—Nineteen Divisions.****NORTHERN PART.****Five Members.—Five Divisions.****NAMES AND CONTENTS OF DIVISIONS.****No. 8.—THE SKIPTON DIVISION.**

The Wapentake of Staincliffe and Ewecross (except so much as is comprised in Division No. 9 as herein described).

No. 9.—THE KEIGHLEY DIVISION.

The Parishes in the Wapentake of Staincliffe and Ewecross of—Cowling, Glusburn, Keighley, Steeton with Eastburne, and Sutton, and the Parishes of—Haworth, Thornton, and Wilsden.

No. 10.—THE SHIPLEY DIVISION.

The Municipal Borough of Bradford, and the Parishes of—Clayton, Eccleshill, Idle, North Bierley, and Shipley.

No. 11.—THE SOWERBY DIVISION.

The Parishes of—Barkisland, Erringden, Heptonstall, Langfield, Midgley, Norland, Rishworth, Sowerby, Soyland, Stansfield, Wadsworth, and Warley, and so much of the Parish of Skircoat as is not included in the Municipal Borough of Halifax.

No. 12.—THE ELLAND DIVISION.

The Municipal Borough of Halifax, the Parishes of—Elland and Greetland, Fixby, Hipperholme with Brighouse, Rastrick, Shelf, and Stainland with Old Lindley, and so much of the Parishes of Northowram, Ovenden, and Southowram, as is not included in the the Municipal Borough of Halifax.

SOUTHERN PART.**Eight Members.—Eight Divisions.****NAMES AND CONTENTS OF DIVISIONS.****No. 13.—THE MORLEY DIVISION.**

The Sessional Division of Dewsbury (except so much as is comprised in Division No. 26 as herein described), the Municipal Boroughs of Batley and Dewsbury, and the Parishes in the Sessional Division of Lower Agbrigg of—East Ardsley, Lofthouse with Carlton, Middleton, Thorpe, and West Ardsley.

48 & 49 Vict.
c. 23.

Schedule 7.

*Divisions of
Counties.*

48 & 49 Vict.
c. 23.
Schedule 7.

*Divisions of
Counties.*

No. 14.—THE NORMANTON DIVISION.

The Sessional Division of Lower Agbrigg (except so much as is comprised in Division No. 13 as herein described), and the Municipal Borough of Wakefield.

No. 15.—THE COLNE VALLEY DIVISION.

The Sessional Divisions of—
Saddleworth, and Upper Agbrigg (except so much as is comprised in Division No. 16 as herein described), and the Municipal Borough of Huddersfield.

No. 16.—THE HOLMFIRTH DIVISION.

The Parishes in the Sessional Division of Upper Agbrigg of—Austonley, Cartworth, Farnley Tyas, Fulstone, Hepworth, Holme, Kirkburton, Kirkheaton, Lepton, Nether Thong, Shelley, Shepley, Skelmanthorpe, Thurstonland, Upper Thong, Upper Whitley, Wooldale,
and the Parishes in the Sessional Division of Staincross of—Cawthorne, Cumberworth, Denby, Dodworth, Gunthwaite, High Hoyland, Hoyland Swaine, Hunshelf, Ingberchworth, Langsett, Oxspring, Peniston, Silkstone, Stainborough, Thurgoland, Thurlstone, West Clayton, and Worsborough.

No. 17.—THE BARNLEY DIVISION.

The Sessional Division of Staincross (except so much as is comprised in Divisions No. 16 and No. 18 as herein described), and the Parish of Hemsworth.

No. 18.—THE HALLAMSHIRE DIVISION.

The Municipal Borough of Sheffield,
the Parishes in the Sessional Division of Upper Strafforth and Tickhill of—Bradfield, Brampton Bierlow, Ecclesfield, Handsworth, Wath-upon Dearne, and Wentworth,
and the Parishes in the Sessional Division of Staincross of—Nether Hoyland, Tankersley, and Wortley.

No. 19.—THE ROTHERHAM DIVISION.

The Sessional Division of Upper Strafforth and Tickhill (except so much as is comprised in Divisions No. 18 and No. 20 as herein described), and the Municipal Borough of Rotherham.

No. 20.—THE DONCASTER DIVISION.

The Sessional Division of Lower Strafforth and Tickhill (except the Parishes (being in the Wapentake of Osgoldcross) of—Askern, Burgh Wallis, Campsall, Fenwick, Kirk Bramwith, Moss, Norton, Owston, Skellow, and Sutton),
the Municipal Borough of Doncaster,
and the Parishes in the Sessional Division of Upper Strafforth and Tickhill of—Anston-cum-Membris, Dinnington, Firbeck, Gildingwells, Harthill with Woodhall, Hooton Levitt, Laughton-en-le-Morthern, Letwell, Maltby, Thorpe Salvin, Throapham St. John, Todwick, Wales, and Woodsetts.

EASTERN PART.

48 & 49 Vict.
c. 23.

Schedule 7.

Six Members.—Six Divisions.

*Divisions of
Counties.*

NAMES AND CONTENTS OF DIVISIONS.

No. 21.—THE RIPON DIVISION.

The Sessional Divisions of—
Claro, and Kirkby Malzeard,
the Liberty of Ripon, and the Municipal Borough of Ripon.

No. 22.—THE OTLEY DIVISION.

The Sessional Division of Otley,
and the Parishes of—Beamsley in Addingham, Beamsley in Skipton,
Bingley and Micklethwaite, Hazlewood with Storris, Moreton, and
Nesfield with Langbar.

No. 23.—THE BARKSTON ASH DIVISION.

The Sessional Divisions of—
Lower Barkston Ash,
Skyrack (except so much as is comprised in Divisions No. 24
and No. 25 as herein described),
Upper Barkston Ash (except so much as is comprised in Division
No. 24 as herein described), and
Wetherby (except the Parishes (which are in the Wapentake of
the Ainsty of York) of Tockwith, Bickerton, Thorpe Arch,
Bilton, and Walton),
and the Parishes of—Grimston, Kirkby Wharf with North Milford,
Newton Kyme with Toulston, Stutton with Hazlewood, Tad-
caster West, Towton, and Ulleshelf.

No. 24.—THE OSGOLDCROSS DIVISION.

The Municipal Borough of Pontefract,
the Wapentake of Osgoldcross,
the Parishes in the Sessional Division of Upper Barkston Ash of—
Brotherton, Fairburn, Ledsham, and Ledstone,
and the Parishes in the Sessional Division of Skyrack of—Allerton Bywater,
and Kippax.

No. 25.—THE PUDSEY DIVISION.

The Municipal Borough of Leeds,
the Parishes of Drighlington, Hunsworth, and Tong,
so much of the Parishes of Calverley with Farsley and Pudsey, as is not
included in the Municipal Borough of Bradford,
and the Parishes in the Sessional Division of Skyrack of—Churwell, Gil-
dersome, Horsforth, and Rawden.

48 & 49 Vict.
c. 23.
Schedule 7.
*Divisions of
Counties.*

No. 26.—THE SPEN VALLEY DIVISION.
The Parishes in the Sessional Division of Dewsbury of—Gomersal,
Heckmondwike, and Liversedge,
and the Parishes of—Cleckheaton, Clifton, Hartshead, and Wike.

[See s. 27,
p. 72.]

EIGHTH SCHEDULE.

FIRST PART.

Year and Chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Sections thirteen, fourteen, fifteen, and sixteen.
33 & 34 Vict. c. 21.	An Act to disfranchise the boroughs of Bridgwater and Beverley.	Sectionstwo,three, four, and five.
33 & 34 Vict. c. 25.	An Act to disfranchise certain voters of the city of Norwich.	The whole Act.
33 & 34 Vict. c. 38.	An Act to disfranchise the boroughs of Sligo and Cashel.	Sectionstwo,three, and four.
33 & 34 Vict. c. 54.	An Act to disfranchise certain voters of the city of Dublin.	The whole Act.
34 & 35 Vict. c. 77.	An Act to disfranchise certain voters for the city of Norwich.	The whole Act.

[See s. 28,
p. 72.]

SECOND PART.

BOROUGHS REPORTED ON BY ELECTION COMMISSIONERS OF 1880.

Boston.
Canterbury.
Chester.
Gloucester.
Knaresborough.
Macclesfield.
Oxford.
Sandwich.

COMPLETE TABLE OF PARLIAMENTARY BOROUGHES AND COUNTIES IN *Table.*
ENGLAND AND WALES.

[In this table, those Boroughs and Counties which return one Member only have no figure following them.

Those Boroughs and Counties which are divided return one Member for each division.

Those Boroughs and Counties which are not divided, and which return two Members, have the figure (2) following them.

No undivided Borough or County returns more than two Members.

Those Boroughs which are Municipal have the letter (m.) following them.]

Anglesea	Buckingham, County (3 divisions):—
Ashton-under-Lyne, m.	Northern or Buckingham
Aston Manor	Mid or Aylesbury
	Southern or Wycombe
Barrow-in-Furness, m.	Burnley, m.
Bath, m. (2)	Bury, m.
Battersea and Clapham (2 divisions):—	Bury St. Edmunds, m.
Battersea	Camberwell (3 divisions):—
Clapham	North
Bedford, m.	Peckham
Bedford, County (2 divisions):—	Dulwich
Northern or Biggleswade	Cambridge
Southern or Luton	Cambridge, County (3 divisions):—
Berks, County (3 divisions):—	Northern or Wisbech
Northern or Abingdon	Western or Chesterton
Southern or Newbury	Eastern or Newmarket
Eastern or Wokingham	Cambridge University (2)
Bethnal-green (2 divisions):—	Canterbury, m.
North-East	Cardiff, m.
South-West	Cardigan, County
Birkenhead, m.	Carlisle, m.
Birmingham, m. (7 divisions):—	Carmarthen, m.
Edgbaston	Carmarthen, County (2 divisions):—
West	Eastern
Central	Western
North	Carnarvon, m.
East	Carnarvon, County (2 divisions):—
Bordesley	Southern or Eivion
South	Northern or Arvon
Blackburn, m. (2)	Chatham
Bolton, m. (2)	Chelsea
Boston, m.	Cheltenham, m.
Bradford, m. (3 divisions):—	Chester, m.
West	Chester, County (8 divisions):—
Central	Wirral
East	Eddisbury
Brecknock, County	Macclesfield
Brighton, m. (2)	Crewe
Bristol, m. (4 divisions):—	Northwich
West (including Clifton)	Altrincham
North	Hyde
East	Knutsford
South	Christchurch

*Table of
Parliamentary
Boroughs and
Counties.*

Colchester, m.
 Cornwall, m. (6 divisions) :—
 Western or St. Ives
 North-Western or Camborne
 Truro
 Mid or St. Austell
 South-Eastern or Bodmin
 North-Eastern or Launceston
 Coventry, m.
 Croydon, m.
 Cumberland (4 divisions) :—
 Northern or Eskdale
 Mid or Penrith
 Cockermouth
 Western or Egremont

 Darlington, m.
 Denbigh, m.
 Denbigh, County (2 divisions) :—
 Eastern
 Western
 Deptford
 Derby, m. (2)
 Derby, County (7 divisions) :—
 High Peak
 North-Eastern
 Chesterfield
 Western
 Mid
 Ilkeston
 Southern
 Devonport, m. (2)
 Devon, County (8 divisions) :—
 Eastern or Honiton
 North-Eastern or Tiverton
 Northern or Crediton
 North-Western or Barnstaple
 Western or Tavistock
 Southern or Totnes
 Torquay
 Mid or Ashburton
 Dewsbury, m.
 Dorset, County (4 divisions) :—
 Northern
 Eastern
 Southern
 Western
 Dover, m.
 Dudley, m.
 Durham, m.
 Durham, County (8 divisions) :—
 Jarrow
 Houghton-le-Spring
 Chester-le-Street
 North-Western
 Mid
 South-Eastern

Bishop Auckland
 Barnard Castle

Essex (8 divisions) :—
 South-Western or Walthamstow
 Southern or Romford
 Western or Epping
 Northern or Saffron Walden
 North-Eastern or Harwich
 Eastern or Maldon
 Mid or Chelmsford
 South-Eastern
 Exeter, m.

Finsbury (3 divisions) :—
 Holborn
 Central
 East
 Flint, m.
 Flint, County
 Fulham

Gateshead, m.
 Glamorgan, County (5 divisions) :—
 Eastern
 Rhondda
 Western or Gower
 Mid
 Southern
 Gloucester, m.
 Gloucester, County (5 divisions) :—
 Mid or Stroud
 Northern or Tewkesbury
 Eastern or Cirencester
 Forest of Dean
 Southern or Thornbury
 Grantham, m.
 Gravesend, m.
 Greenwich
 Grimsby, m.

Hackney (3 divisions) :—
 North
 Central
 South
 Halifax, m. (2)
 Hammersmith
 Hampstead
 Hanley, m.
 Hants, County (5 divisions) :—
 Northern or Basingstoke
 Western or Andover
 Eastern or Petersfield
 Southern or Fareham
 New Forest
 Hartlepool, m.

Hastings, m.	North-Eastern.
Hereford, m.	Darwen
Hereford, County (2 divisions)	Clitheroe
Northern or Leominster	Accrington
Southern or Ross	Rossendale
Hertford, County (4 divisions):—	South-Eastern.
Northern or Hitchin	West Houghton
Eastern or Hertford	Heywood
Mid or St. Albans	Middleton
Western or Watford	Radcliffe-cum-Farnworth
Huddersfield, m.	Eccles
Hull (3 divisions):—	Stretford
East	Gorton
Central	Prestwich
West	South-Western.
Huntingdon, County (2 divisions):—	Southport
Southern or Huntingdon	Ormskirk
Northern or Ramsey	Bootle
Hythe, m.	Widnes
Ipswich (2)	Newton
<i>Isle of Wight: See Wight, Isle of.</i>	Ince
Islington (4 divisions):—	Leigh
North	Leeds, m. (5 divisions):—
West	North
East	Central
South	East
Kensington (2 divisions):—	West
North	South
South	Leicester, m. (2)
Kent (8 divisions):—	Leicester, County (4 divisions):—
Western or Sevenoaks	Eastern or Melton
North-Western or Dartford	Mid or Loughborough
South-Western or Tunbridge	Western or Bosworth
Mid or Medway	Southern or Harborough
North-Eastern or Faversham	Lewisham
Southern or Ashford	Lincoln, m.
Eastern or St. Augustine's	Lincoln, County (7 divisions):—
Isle of Thanet.	West Lindsey or Gainsborough
Kidderminster, m.	North Lindsey or Brigg
King's Lynn, m.	East Lindsey or Louth
Lambeth (4 divisions):—	South Lindsey or Horncastle
North	North Kesteven or Sleaford
Kennington	South Kesteven or Stamford
Brixton	Holland or Spalding
Norwood	Liverpool, m. (9 divisions):—
Lancaster, County (23 divisions):—	Kirkdale
Northern.	Walton
North Lonsdale	Everton
Lancaster	West Derby
Blackpool	Scotland
Chorley	Exchange
	Abercrombie
	East Toxteth
	West Toxteth

*Table of
Parliamentary
Boroughs and
Counties.*

London (2)	Norwich, m. (2)
London University	Nottingham, m. (3 divisions) :—
Maidstone, m.	West
Manchester, m. (6 divisions) :—	East
Forth-West	South
North	Nottingham, County (4 divisions) :—
North-East	Bassetlaw
East	Newark
South	Rushcliffe
South-West	Mansfield
Marylebone (2 divisions) :—	Oldham, m. (2)
East	Oxford, m.
West	Oxford, County (3 divisions) :—
Merioneth, County	Northern or Banbury
Merthyr Tydvil (2)	Mid or Woodstock
Middlesbrough	Southern or Henley
Middlesex (7 divisions) :—	Oxford University (2)
Enfield	Paddington (2 divisions) :—
Tottenham	North
Hornsey	South
Harrow	Pembroke and Haverfordwest, m.m.
Ealing	Pembroke, County
Brentford	Penrhyn and Falmouth, m.m.
Uxbridge	Peterborough, m.
Monmouth, m.	Plymouth, m. (2)
Monmouth, County (3 divisions) :	Pontefract, m.
Northern	Portsmouth, m. (2)
Western	Preston, m. (2)
Southern	Radnorshire, County
Montgomery	Reading, m.
Montgomeryshire, County	Rochdale, m.
Morpeth	Rochester, m.
Newcastle-on-Tyne, m. (2)	Rutland
Newcastle-under-Lyme, m.	St. George's, Hanover-square
Newington (2 divisions) :—	St. Helen's, m.
West	St. Pancras (4 divisions) :—
Walworth	North
Norfolk (6 divisions) :—	East
North-Western	West
South-Western	South
Northern	Salford, m. (3 divisions) :—
Eastern	North
Mid	West
Southern	South
Northampton, m. (2)	Salisbury, m.
Northampton, County (4 divisions) :	Salop, County (4 divisions) :—
Northern	Western or Oswestry
Eastern	Northern or Newport
Mid	Mid or Wellington
Southern	Southern or Ludlow
Northumberland (4 divisions) :—	Scarborough, m.
Wansbeck	Sheffield, m. (5 divisions) :—
Tyneside	Attercliffe
Hexham	Brightside
Berwick-upon-Tweed	

Central	Swansea, m. (2 divisions):—
Hallam	Swansea Town
Ecclesall	Swansea District
Shoreditch (2 divisions):—	Taunton, m.
Hoxton	Tower Hamlets (7 divisions):—
Haggerston	Whitechapel
Shrewsbury, m.	St. George
<i>Shropshire: See Salop.</i>	Limehouse
Somerset, County (7 divisions):—	Mile-end
Northern	Stepney
Wells	Bow and Bromley
Frome	Poplar
Eastern	Tynemouth, m.
Southern	Wakefield, m.
Bridgwater	Walsall, m.
Western	Wandsworth
Southampton, m. (2)	Warrington, m.
South Shields, m.	Warwick and Leamington, m.m. (2)
Southwark (3 divisions):—	Warwick, County (4 divisions):—
West	Northern or Tamworth
Rotherhithe	North-Eastern or Nuneaton
Bermondsey	South-Western or Stratford-on-
Stafford, m.	Avon
Stafford, County (7 divisions):—	South-Eastern or Rugby
Leek	Wednesbury
Burton	West Bromwich
Western	West Ham (2 divisions):—
North-Western	North
Lichfield	South
Kingswinford	Westminster
Handsworth	Westmoreland (2 divisions):—
Stalybridge, m.	Northern or Appleby
Stockport, m. (2)	Southern or Kendal
Stockton, m.	Whitehaven
Stoke-upon-Trent, m.	Wigan, m.
Strand	Wight, Isle of
Suffolk (5 divisions):—	Wiltshire (5 divisions):—
Northern or Lowestoft	Northern or Cricklade
North-Eastern or Eye	North-Western or Chippenham
North-Western or Stowmarket	Western or Westbury
South or Sudbury	Eastern or Devizes
South-Eastern or Woodbridge	Southern or Wilton
Sunderland, m. (2)	Winchester, m.
Surrey (6 divisions):—	Windsor, m.
North-Western or Chertsey	Wolverhampton, m. (3 divisions):—
South-Western or Guildford	East
South-Eastern or Reigate	South
Mid or Epsom	West
Kingston	Woolwich
North-Eastern or Wimbledon	Worcester, m.
Sussex (6 divisions):—	Worcester, County (5 divisions):—
North-Western or Horsham	Western or Bewdley
South-Western or Chichester	Southern or Evesham
Northern or East Grinstead	Mid or Droitwich
Mid or Lewes	Northern
Southern or Eastbourne	Eastern
Eastern or Rye	

*Table of
Parliamentary
Boroughs and
Counties.*

Yarmouth, m.
York, m. (2)
York, County (26 divisions) :—

North Riding.

Thirsk and Malton
Richmond
Cleveland
Whitby

East Riding.

Holderness
Buckrose
Rowdenshire

West Riding (N. part).

Skipton
Keighley
Shipley

Sowerby
Elland

West Riding (S. part).

Morley
Normanton
Colne Valley
Holmfirth
Barnsley
Hallamshire
Rotherham
Doncaster

West Riding (E. part).

Ripon
Otley
Barkston Ash
Osgoldcross
Pudsey
Spen Valley

PART IV.

DISQUALIFICATION OF CANDIDATES.

	PAGE
5 & 6 Will. & M. c. 7, s. 59 (Collectors of Taxes); 5 & 6 Will. & M. c. 20, s. 32 (Members of the Bank of England)	346
7 & 8 Will. 3, c. 25, s. 7 (Infants).	347
12 & 13 Will. 3, c. 2, s. 3 (Aliens)	348
12 & 13 Will. 3, c. 10, s. 88 (Custom House Officers); 6 Anne, c. 7 (c. 41. Rev. Stat.), ss. 24-29 (New offices under the Crown; Seat of Acceptor of any office vacated; saving for Army and Navy; English disqualifications to be British); 7 Anne, c. 20, s. 21 (Registrar of Middlesex); 1 Geo. 1, c. 56 (Pensioners; penalty); 6 Geo. 1, c. 18, s. 10 (Exchange and London Assurance); 7 Geo. 2, c. 16, s. 4 (Session Judges); 15 Geo. 2, c. 13, s. 8 (Officers of Bank of England) .	348
15 Geo. 2, c. 22, ss. 1-3 (Clerks in offices; returns void; saving for offices); 21 Geo. 2, c. 19, s. 11 (Scotch Sheriffs)	353
22 Geo. 3, c. 45 (Contractors for public service)	355
22 Geo. 3, c. 82, ss. 1, 2, 30 (Certain offices; Bounties); 39 & 40 Geo. 3, c. 67, art. 4 (Irish Peers)	357
41 Geo. 3, c. 52 (British disqualifications; Irish disqualifications; Irish Placemen disabled from united Parliament; New offices under Lord Lieutenant)	358
41 Geo. 3, c. 63 (Priests and Deacons of Church of England and Ministers of Church of Scotland)	362
42 Geo. 3, c. 116, s. 185 (Land Tax Redemption Commissioner qualified); 44 Geo. 3, c. 54, s. 58 (Yeomanry and Irish Volunteer Officers); 48 Geo. 3, c. 140, s. 14 (Dublin Metropolitan Police); 52 Geo. 3, c. 38, s. 195 (Militia Officers); 52 Geo. 3, c. 68, s. 176 (Scotch Militia Officers)	364
54 Geo. 3, c. 16 (Offices under Lord Lieutenant held under successor) .	365
56 Geo. 3, c. 46, s. 8 (Auditor of Civil List); 56 Geo. 3, c. 98, s. 16 (Commissioners of Treasury); 57 Geo. 3, c. 62, s. 10 (Irish offices); 57 Geo. 3, c. 64, s. 15 (Scotch offices); 1 & 2 Geo. 4, c. 44, s. 1 (Irish Judges); 4 Geo. 4, c. 7, s. 3 (Chancellor of Exchequer of Great Britain); 7 Geo. 4, c. 32 (President of the Board of Trade); 7 & 8 Geo. 4, c. 53, s. 8 (Officer of Excise); 7 & 8 Geo. 4, c. 65, s. 5 (Council of the Admiralty)	365
10 Geo. 4, c. 7, ss. 2, 9 (Roman Catholics; Priest disqualified)	369
10 Geo. 4, c. 44, ss. 18 (Police Magistrate); 10 Geo. 4, c. 62, ss. 1, 2 (Governor, &c., in India); 1 & 2 Will. 4, c. 33, s. 11 (Public Works in Ireland); 2 & 3 Will. 4, c. 40, s. 1 (Lords of Admiralty); 2 & 3 Will. 4, c. 87, s. 36 (Irish Registrar of Deeds); 5 & 6 Will. 4, c. 35, s. 5 (Paymaster-General); 6 & 7 Will. 4, c. 13, s. 18 (Irish Constabulary); 6 & 7 Will. 4, c. 29, s. 19 (Dublin Police Magistrates); 4 & 5 Vict. c. 35, s. 5 (Land Commissioners); 6 & 7 Vict. c. 18, s. 28 (Revising Barristers); 13 & 14 Vict. c. 94, s. 3 (First Ecclesiastical Commissioner); 14 & 15 Vict. c. 42, ss. 10, 20 (Commissioners of Woods and Forests; First Commissioner of Works); 14 & 15 Vict. c. 57, s. 2 (Irish assistant Barristers); 16 & 17 Vict. c. 137, s. 5 (Charity Commissioners); 17 & 18 Vict. c. 117, s. 11 (West Indian Commissioners); 19 & 20 Vict. c. 2, s. 9 (Assistant Commissioners of Police); 19 & 20 Vict. c. 116 (Vice-President of Council of Education); 20 & 21 Vict. c. 60, s. 14 (Irish Bankruptcy Judges); 20 & 21 Vict. c. 79, s. 7 (Irish Probate Judge); 21 & 22 Vict. c. 72, s. 7 (Land Judge of Ireland)	370

	PAGE
21 & 22 Vict. c. 106, s. 4 (Four Under Secretaries only); 21 & 22 Vict. c. 106, s. 12 (Members of Council of India)	374
21 & 22 Vict. c. 110 (Acceptor of office in recess)	374
25 & 26 Vict. c. 99, s. 4 (County Court Judges); 26 & 27 Vict. c. 65, s. 5 (English Volunteer Officer)	376
27 & 28 Vict. c. 34 (Fifth Under Secretary of State disqualified)	376
29 & 30 Vict. c. 39, s. 3 (Exchequer and Audit Officers); 29 & 30 Vict. c. 55, s. 1 (Postmaster-General); 30 & 31 Vict. c. 44, s. 4 (Irish Vice-Chancellor); 30 & 31 Vict. c. 72 (Secretary of Board of Trade)	377
30 & 31 Vict. c. 102, s. 52 (Offices of profit accepted in succession)	378
30 & 31 Vict. c. 114, s. 9 (Irish Admiralty Judge); 32 & 33 Vict. c. 15, s. 1 (Civil Service pensioners); 32 & 33 Vict. c. 42, s. 9 (Irish Church Commissioners); 32 & 33 Vict. c. 43, s. 17 (Diplomatic Pensioners); 33 & 34 Vict. c. 10, s. 14 (Master of the Mint); 33 & 34 Vict. c. 17, ss. 2, 3 (Surveyor of Ordnance; Financial Secretary of War Office)	378
33 & 34 Vict. c. 23, s. 2 (Convicts)	380
34 & 35 Vict. c. 70, s. 4 (President and Secretary of Local Government Board); 35 & 36 Vict. c. 44, s. 4 (Chancery Paymaster-General); 35 & 36 Vict. c. 58, s. 41 (Bankrupts in Ireland); 36 & 37 Vict. c. 77, s. 6 (Naval Volunteer Force); 38 & 39 Vict. c. 77, s. 5 (Judges of High Court and Court of Appeal); 40 & 41 Vict. c. 57, s. 13 (Irish Judges); 44 & 45 Vict. c. 49, s. 54 (Irish Land Commissioners); 45 & 46 Vict. c. 49, s. 38 (Militia Officers); 45 & 46 Vict. c. 50, s. 163 (4) (Recorders)	381
46 & 47 Vict. c. 51, ss. 4, 5, 11, 38, and 46 (Corrupt Practices)	383
46 & 47 Vict. c. 52, ss. 32, 33 (English Bankrupts); 46 & 47 Vict. c. 52, s. 116 (1) (Bankruptcy Registrars); 47 & 48 Vict. c. 16, ss. 5, 6 (Scotch sequestrations)	385
47 & 48 Vict. c. 70, s. 2, sub-s. 2 (Corrupt Practices at Municipal Elections)	387

5 & 6 Will. & M. c. 7, s. 59.

Collectors of taxes.

5 & 6 Will. & M. c. 7, s. 59.

Provided always that no member of the House of Commons shall at any time be concerned directly or indirectly, or any other in trust for him, in the farming, collecting, or managing any of the sums of money, duties, or other aids granted to their Majesties by this Act, or that hereafter shall be granted by any other Act of Parliament, except the Commissioners of the Treasury and the officers and commissioners for managing the customs and *excise* not exceeding the present number in each office.

The duties granted by the Act were on salt, bear, &c. The section makes membership a disqualification for the office, and not the office for the membership; but by 12 & 13 Will. 3, c. 10, s. 88 (p. 348), customs' officers are disqualified. In applying this provision to Irish officers by s. 4 of 41 Geo. 3, c. 52, the office, including that of Commissioners of Excise and Customs, was made a disqualification for election.

Excise.] In regard to excise, the exception in favour of commissioners and officers is taken away by 7 & 8 Geo. 4, c. 53, s. 8 (p. 368), and by the same Act commissioners and officers of excise are disqualified from sitting.

5 & 6 Will. & M. c. 20, s. 32.5 & 6 Will. &
M. c. 20, s. 32.

Whereas some doubt may arise whether any member or members of Parliament may be concerned in the corporation to be erected in pursuance of this Act. Be it therefore declared and enacted by the authority aforesaid that it shall and may be lawful to and for any member or members of the House of Commons to be a member or members of the said corporation for the purposes in this Act mentioned, anything in the said recited Act contained to the contrary in any wise notwithstanding.

Members of
the Bank of
England.

The corporation is that of the Governor and Company of the Bank of England, and the recited Act is 5 & 6 Will. & M., c. 7, s. 59 (p. 346). By 15 Geo. 2, c. 13, s. 8 (p. 353), officers of the Bank of England as well as members are qualified. This Act qualifies members of the House of Commons to be members of the Bank. The Act of Geo. 2 acts conversely.

7 & 8 Will. 3, c. 25, s. 7.7 & 8 Will. 3,
c. 25, s. 7.

No person hereafter shall be capable of being elected a member to serve in this or any future Parliament who is not of the age of one and twenty years, and every election or return of any person under that age is hereby declared to be null and void, and if any such minor hereafter chosen shall presume to sit or vote in Parliament he shall incur such penalties and forfeitures as if he had presumed to sit and vote in Parliament without being chosen or returned.

Infants.

The remainder of this section deals with the disqualification of infants to vote, as to which, see p. 5. The remainder of the Act deals with the sheriff's duties, as to which, see p. 390.

By 5 Anne, c. 8, s. 6 (Scotch Union Act), the Scotch representatives are to be "21 years of age complete."

By 4 Geo. 4, c. 55, s. 74, the election of minors for counties of cities and counties of towns in Ireland is declared void.

In the opinion of Coke, infants were disqualified at common law. He admitted that they sometimes sat "by connivance, but if questioned could be put out" (10th of March, 1623; 1 Comm. J. 681). On the other hand, in *Trenchard's Case* (2 Hatsell 9; 10 Comm. J. 508) an admitted minor was declared duly elected; but, again, in *Lawson's Case* (18 Comm. J. 672), a member's petition was withdrawn on the ground of his minority. After the passing of this section minors were sometimes connived at in Parliament, as in the case of Charles James Fox, who sat and spoke before he was of age.

It will be convenient to collect here certain other disqualifications which are not statutory.

Women.] Women are disqualified from being elected. It is stated in *England's Epinomis* (3 Selden's Works, p. 10) that among the Ancient Britons women "had prerogative in deliberative sessions touching either peace government or martial affairs." But the fact that no woman can be shown ever to have sat in the House of Commons, combined with the analogy that women otherwise qualified are excluded from the House of Lords, is conclusive proof that women are disqualified at common law. Selden says that the exclusion

7 & 8 Will. 3,
c. 25, s. 7.

Infants,
Women,
Aliens.

of women from public functions is *honestatis privilegium* (1 Selden's Works, 1083).

Mental weakness.] Lunatics and idiots are disqualified. A member sane, when returned, has his seat vacated if he become insane (*Grampound D'Ewes*, 126); but the lunacy must be incurable (*Alcock's Case*, 66 Comm. J. 226).

Sheriffs.] Sheriffs and other returning officers are disqualified from being elected for the constituency of which they are returning officers, but not for other constituencies.

Members of Parliament.] A candidate already elected a member of Parliament is disqualified.

Disqualifications for sitting.] Besides the above disqualifications for being candidates, there may be a disqualification from sitting by reason of the member returned being incapable of taking the prescribed oath through want of religious belief, or not having in fact taken the prescribed oath. (See *Attorney-General v. Bradlaugh*, 54 Law Rep. Q. B. 205.)

12 & 13 Will. 3,
c. 2, s. 3.

Aliens.

12 & 13 Will. 3, c. 2, s. 3.

No person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalised or made a denizen, except such as are born of English parents), shall be capable to be a member of either House of Parliament.

By s. 7 of the Naturalisation Act, 1870 (33 Vict. c. 14), "an alien to whom a certificate of naturalisation is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges to which a natural born British subject is entitled." An alien naturalised by certificate is therefore now qualified (see *Cheltenham*, 3 O'Malley and Hardcastle, 86, where similar words in a private Act were held to have the effect of qualifying).

The statute 13 Geo. 3, c. 21, makes persons born abroad with a British grandfather entitled to all the rights and privileges of "natural born subjects." This term is the converse of "person born out of the dominions," and therefore the grandchildren born abroad of British subjects appear qualified. The descent cannot, however, be traced further (*De Geer v. Stone*, L. R. 22 Ch. D. 243).

12 & 13 Will. 3,
c. 10, s. 88.

Custom-house
officers.

12 & 13 Will. 3, c. 10, s. 88.

If any member of the House of Commons from and after the dissolution of this present Parliament, shall during the time of his being a member of Parliament by himself or his deputy or any other in trust for him or for his benefit take, enjoy, or execute any office, place, or employment, touching or concerning the farming, managing, or collecting the customs, such person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a member of the House in such Parliament.

As to officers of excise, see 7 & 8 Geo. 4, c. 53, s. 8 (p. 368).

By 12 & 13 Vict. c. 91, s. 24, the Collector-General and collectors of rates for Dublin are disqualified for that city.

6 Anne, c. 7 (c. 41, revised statutes), ss. 24-29.

6 Anne, c. 7,
(c. 41, revised
statutes), ss.
24-29.

24. No person who shall have in his own name, or in the name of any person or persons in trust for him or for his benefit, any new office or place of profit whatsoever under the Crown which at any time since the five-and-twentieth day of October in the year of our Lord one thousand seven hundred and five have been created or erected, or hereafter shall be created or erected, nor any person who shall be commissioner or sub-commissioner of prizes, secretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor nor deputy governor of any of the plantations, nor any commissioners of the navy employed in any of the outports, nor any person having any pension from the Crown during pleasure, shall be capable of being elected or of sitting or voting as a member of the House of Commons in any Parliament which shall be hereafter summoned and holden.

—
Holders of new
offices under
the Crown dis-
qualified.

This section and the next are the two most important provisions in the statute book in regard to disqualification. The next section does not disqualify in the strict sense of the word; it vacates the seat of a member only, and allows him to be re-elected. Under this section all offices of profit under the Crown created since the 25th of October, 1705, as to which the disqualification is not removed by any subsequent Act of Parliament, disqualify for election. The Act of Settlement (12 & 13 Will. 3, c. 2, s. 3) made no distinction between new and old offices, but disqualified for both. These two sections were a compromise introduced shortly after the union with Scotland, and made applicable to the Parliament of the United Kingdom.

New Offices.] It is clear under this section, whatever may be the effect of s. 25, that the office need not be accepted direct from the Crown. In *Harvey's Case* (94 Comm. J., 48; Falconer & Fitzherbert, 594) an office as Registrar of Hackney Carriages, under 1 & 2 Vict. c. 79, in the gift of the Home Secretary, was held by a select committee to be a new office of profit under the Crown. Where the office was in existence before 1705, and the appointment became vested in the Crown since that date, the section was considered not to apply (Galway, F. & F. 579), in which case the appointment to the old office of Master in Chancery was since 1705 transferred from the Crown to the Chancellor. Where, however, an old office is transferred to the Crown in pursuance of a general scheme like that of bringing the Government of India under the Crown, the holder was considered disqualified (*Forsyth's Case*, 1866, standing counsel to the Indian Secretary). A change in the name and an alteration of some of the duties have been considered not to turn an old office into a new office (*North Berwick*, 2 Douglas, 423); neither does an increase of salary (*ib.*). Extra duty performed by a military officer as "Assistant Superintendent of the Royal Small Arms Factory" was held not to constitute an office (*Harwich Case*, 1866).

Governor of Plantations.] This has been applied to the Governor of Barbadoes (23 Comm. J. 32), of Nova Scotia (31 Comm. J. 9), Lieut.-Governor of Upper Canada (47 Comm. J. 46), Governor of the Leeward Islands (54 Comm. J. 146), of Malta (68 Comm. J. 567), of the Cape of Good Hope (69 Comm. J. 125). As to Governors and Deputy Governors in the East Indies, see 10 Geo. 4, c. 62, s. 1 (p. 370).

Pensioners during pleasure.] Extended by 1 Geo. 1, c. 56 (p. 352), to pensioners for years. Pensions to persons in respect of their having held

6 Anne. c. 7,
ss. 24–29.

*Offices under
Crown.*

Seat of acceptor
of any office
vacated.

civil offices in her Majesty's service are by 32 & 33 Vict. c. 15 (p. 379), not to disqualify for the House of Commons. By 32 & 33 Vict. c. 43, s. 17 (p. 379), diplomatic pensions are not to disqualify.

The offices which have from time to time been excepted out of this provision will be found mentioned in the statutes excepting them in their chronological order. The principal of these are the Lords of the Admiralty (p. 371), Land Tax Commissioners (p. 364), President of the Board of Trade (p. 368), Officers of the Bank of England (p. 353), Postmaster-General (p. 377), and President and Secretary of the Local Government Board (p. 381).

25. Provided always, That if any person, being chosen a member of the House of Commons, shall accept of any office of profit from the Crown during such time as he shall continue a member, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead: Provided nevertheless, that such person shall be capable of being again elected as if his place had not become void as aforesaid.

Any office of profit from the Crown.] The words "any office," while they include old offices not dealt with by the preceding section, do not apply to the new or other offices mentioned in it, otherwise the proviso allowing re-election would repeal the previous section. It has been suggested that the use of the word "from" in this section as distinguished from "under" in the previous section limits its application to offices granted immediately by the Crown. There have even been some decisions of the House of Commons on this footing, e.g. the case of Edward Walpole, who did not vacate his seat on being made Clerk of the Pells, being appointed by the Treasurer of the Exchequer and not by the Crown (2 Hats. 51, 61). The distinction, however, appears to be fanciful. The sections are in *pari materiâ* so far as the mischief aimed at is concerned, and "from" is used in s. 25 simply because grammar requires it. This view is supported by the wording of s. 3 of the Act of Settlement (12 & 13 Will. 3, c. 2), which runs "office or place of profit under the King," and which was repealed by 4 Anne, c. 8, that Act first enacting the sections which by the present Act are re-enacted for the purposes of the Parliament of the United Kingdom. It has been the practice for the Secretaries to the Treasury, the Under Secretaries of State, and the Secretary to the Admiralty, not to vacate their seats when appointed on the ground that these offices are not accepted direct from the Crown, but the practice seems doubtful in view of the terms of the Act. An office to which profit is ordinarily attached does not cease to be an office of profit by the acceptor waiving the profit. It was contended that this was so when Mr. Gladstone became Chancellor of the Exchequer without salary in 1874, but when in 1881 Mr. Herbert Gladstone was appointed Lord of the Treasury without salary he resigned his seat and was re-elected. In 1821, however, Mr. Bathurst accepted the office of President of the Board of Control without salary, and did not vacate his seat (3 Lord Sidmouth's Life, 339).

Exemptions.] By the Representation of the People Act, 1867 (30 & 31 Vict. c. 102, p. 378), the seat is not vacated on the acceptance of various offices therein mentioned in succession the one to the other, and at common law a Secretary of State moving from one department to another, e.g. from the Home to the War Office, did not accept an office under this section, as all the Secretaries of State are supposed together to hold one office.

The stewardship of the Chiltern Hundreds, or of the manors of East Hendred, Northstead, or Hempholme, or escheator of Munster, are offices of profit under the Crown, and accepted when a member desires to vacate his seat, which he cannot legally resign. No profit arises from them, but they are granted "together with all fees," &c. The seat is vacated as soon as the office is accepted, and the new writ issues before the office is actually filled. (Case of Mr. Bruce, 18th April, 1864.)

26. Provided also, and be it enacted, That in order to prevent for the future too great a number of commissioners to be appointed or constituted for the executing of any office, that no greater number of commissioners shall be made or constituted for the execution of any office than have been employed in the execution of such respective office at some time before the first day of this present Parliament.

6 Anne, c. 7,
ss. 24-29.

Limit on Commissioners for officers.

As to the effect of a greater number being returned, see 27 & 28 Vict. c. 34, s. 2, p. 377.

27. Provided also, That nothing herein contained shall extend or be construed to extend to any member of the House of Commons, being an officer in her Majesty's navy or army, who shall receive any new or other commission in the navy or army respectively.

Saving for army and navy officers.

This section does not prevent an officer in the army or navy being disqualified as the holder of a new office under s. 24, or prevent the recipient of a commission for the first time resigning his seat under s. 25, but if he is duly elected and already commissioned, it enables him to receive a commission without resigning his seat under s. 25. A commission as governor of a fort or garrison has been considered within this exemption: *Wade's Case*, 22 Comm. J. 201. The section includes marines and ordnance officers. As to militia officers, see p. 364; as to volunteer officers, see p. 364; as to volunteer artillery, see p. 376.

28. And be it further enacted, That if any person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden shall nevertheless be returned as a member to serve for any county, stewartry, city, town, or cinque port in any such parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person disabled or declared incapable by this Act to be elected shall after the dissolution or determination of this present Parliament presume to sit or vote as a member of the House of Commons in any Parliament to be hereafter summoned, such person so sitting or voting shall forfeit the sum of five hundred pounds, to be recovered by such person as shall sue for the same in England, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, and only one imparlance.

Elections void.

Penalty.

The terms used at the end of this section refer to a procedure long since abolished. The action must be brought within one year: 31 Eliz. c. 5, s. 5; *Dyce v. Best*, L. R. 1 Ex. 152; 35 L. J. Ex. 105.

29. And be it further enacted and declared, That every person disabled to be elected or to sit or vote in the House of Commons of any Parliament of England shall be disabled to be elected or to sit or vote in the House of Commons of any Parliament of Great Britain.

English disqualifications to be British.

This section makes the disqualifications for the Parliament of England disqualifications for the Parliament of Great Britain even in regard to Scotch seats. It does not, however, prevent disqualifications, if any, for the Scotch Parliament still applying to Scotch seats. For the course taken on the union with Ireland, see 41 Geo. 3, c. 52, s. 2, p. 358.

7 Anne, c. 20,
s. 22.

7 Anne, c. 20, s. 22.

Registrar of
Middlesex.

No member of Parliament shall be capable of being registrar, or of executing by himself or any other person or persons the said office, or to have, take, or receive any fee or other profit whatsoever issuing out of the said office, or for or in respect thereof; nor shall any such registrar or his deputy or any person or persons receiving profit out of the said office be at any time hereafter capable of being or of being chosen a member to serve in Parliament.

1 Geo. 1, c. 56.

1 Geo. 1, c. 56.

Pensioners.

1. No person having any pension from the Crown for any term or number of years, either in his own name, or in the name or names of any other person or persons in trust for him, or for his benefit, shall be capable of being elected or chosen a member of, or of sitting or voting as a member of this present or any future House of Commons which shall be hereafter summoned.

By 22 Geo. 3, c. 82, s. 30, it is enacted that any sum or sums of money given by way of royal bounty to any person more than once in three years shall be regarded a pension or pensions to all intents and purposes whatsoever.

A pension granted to a wife before marriage has been considered not to disqualify the husband: *Reading, Corbet & Daniel*, 114.

Penalty.

2. And be it further enacted by the authority aforesaid, That if any person who shall have such pension, as aforesaid, at the time of his being so elected, or at any time after, during such time as he shall continue or be a member of the House of Commons, shall presume to sit or vote in that House, then and in such case, he shall forfeit twenty pounds for every day in which he shall so sit or vote in the said House of Commons, to such person or persons who shall sue for the same in any of his Majesty's Courts in Westminster Hall; and the moneys so forfeited shall be recovered by the person so suing, with full costs of suit in any of the said Courts, by action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law shall be allowed, and only one imparlance.

6 Geo. 1, c. 18,
s. 10.

6 Geo. 1, c. 18, s. 10.

Officers of
Exchange and
London

Assurance
companies.

No person which shall be governor, director, or other officer of either of the said corporations to be erected shall for that cause only be disabled from being a member of Parliament.

The Royal Exchange Assurance and London Assurance Corporations were created by charter in virtue of this Act, and in consideration of £300,000.

7 Geo. 2, c. 16, s. 4.7 Geo. 2, c. 16,
s. 4.

No Judge of the Court of Session or justiciary or Baron of the Court of Exchequer in Scotland shall be capable of being elected or of sitting or voting as a member of the House of Commons in any Parliament which shall be hereafter summoned and holden.

Scotch Session
judges.

As to English judges, see p. 382; as to Irish judges, see p. 382.

15 Geo. 2, c. 13, s. 8.15 Geo. 2,
c. 13, s. 8.

No person in respect of his being governor, deputy governor, director, manager, or member of the said company, or for having any stock or share therein, or for any matter or thing to be by him done or performed in the affairs of the said corporation, shall be now or at any time hereafter disabled from being or continuing or from being elected or serving as a member of Parliament.

Officers of
Bank of Eng-
land qualified.

By 5 & 6 Will. & M. c. 20, s. 82 (p. 347), members of the Bank of England are qualified.

15 Geo. 2, c. 22, ss. 1-3.15 Geo. 2,
c. 22, ss. 1-3.

1. No person who shall be commissioner of the Revenue in Ireland, or commissioner of the navy or victualling offices, nor any deputies or clerks in any of the said offices, or in any of the several offices following; that is to say, the office of Lord High Treasurer, or the commissioners of the Treasury, or of the auditor of the receipt of his Majesty's Exchequer, or of the tellers of the Exchequer, or of the Chancellor of the Exchequer, or of the Lord High Admiral, or the Commissioners of the Admiralty, or of the Paymasters of the Army, or of the Navy, or of his Majesty's principal Secretaries of State, or of the commissioners of the salt, or of the commissioners of the stamps, or of the commissioners of appeals, or of the commissioners of wine licences, or of the commissioners of Hackney coaches, or of the commissioners of hawkers and pedlars, nor any persons having any office civil or military, within the Island of Minorca, or in Gibraltar, other than officers having commissions in any regiment there only, shall be capable of being elected, or of sitting or voting as a member of the House of Commons, in any Parliament which shall be hereafter summoned and holden.

Deputies and
Clerks in
offices.

The object of this Act seems to be to extend the operation of s. 24 of 6 Anne to deputies and clerks. The disqualification is absolute and not removable by re-election.

The inclusion of persons having any military office in Minorca and Gibraltar within this disqualification repeals to that extent s. 28 of 6 Anne, c. 7, qualifying officers in the army receiving any "new or other commission."

By 56 Geo. 3, c. 46, s. 8, p. 365, the auditor of the Civil List is declared incapable of being elected to or of sitting or voting in Parliament.

15 Geo. 2,
c. 22, ss. 1-3.

*Clerks in
Offices.*

Returns void.

Penalty.

2. And be it further enacted by the authority aforesaid, that if any person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stewartry, city, borough, town, cinque port, or place in Parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever: And if any person disabled and declared incapable by this Act to be elected, shall, after the dissolution, or other determination of this present Parliament, presume to sit or vote as a member of the House of Commons in any Parliament to be hereafter summoned, such person so sitting or voting, shall forfeit the sum of twenty pounds for every day in which he shall sit or vote in the said House of Commons, to such person or persons who shall sue for the same in any of his Majesty's Courts at Westminster; and the money so forfeited, shall be recovered by the persons so suing, with full costs of suit, in any of the said Courts, by action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law shall be allowed, and only one imparlance, and shall from thenceforth be incapable of taking, holding, or enjoying any office of honour or profit under his Majesty, his heirs, or successors.

Saving for
officers.

3. Provided always, and it is hereby enacted and declared by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend or relate to, or exclude the Treasurer or Comptroller of the Navy, the Secretaries of the Treasury, the Secretary to the Chancellor of the Exchequer, or Secretaries of the Admiralty, the Under Secretary to any of his Majesty's principal Secretaries of State, or the Deputy Paymaster of the Army, or to exclude any person having or holding any office or employment for life, or for so long as he shall behave himself well in his office; anything herein contained to the contrary notwithstanding.

The proviso in favour of offices for life or during good behaviour suggests that the Act was directed to disqualifying persons holding office during pleasure. This section appears to allow only two Under Secretaries in the House of Commons, but by 21 & 22 Vict. c. 106 (p. 374), there may be four Under Secretaries in the House.

21 Geo. 2,
c. 19, s. 11.

Scotch sheriffs.

21 Geo. 2, c. 19, s. 11.

No sheriff depute or stewart depute of any county, shire, or stewartry in Scotland shall be capable of being elected or of sitting or voting as a member of the House of Commons.

By 2 & 3 Will. 4, c. 65, s. 36 (the Scotch Reform Act), sheriffs substitute, sheriff clerks, and deputy sheriffs, are disqualified for their shires, and town clerks and depute town clerks for their districts.

22 Geo. 3, c. 45.

22 Geo. 3,
c. 45.

Contractors for
the public
service.

1. Any person who shall, directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission, made or entered into with, under, or from the commissioners of his Majesty's Treasury, or of the navy or victualling office, or with the Master General or Board of Ordnance, or with any one or more of such commissioners, or with any other person or persons whatsoever, for or on account of the public service; or shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission, which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandise to be used or employed in the service of the public, shall be incapable of being elected, or of sitting or voting as a member of the House of Commons, during the time that he shall execute, hold, or enjoy, any such contract, agreement, or commission, or any part or share thereof, or any benefit or emolument arising from the same.

Any other person on account of the public service.] These words are limited to persons *ejusdem generis* with the persons preceding, and the section does not apply to the colonel of a regiment ordering on his personal responsibility clothes for his regiment, although paid for by public money (*Thompson v. Pearce*, 1 Brod. & Bing. 25). Where nothing remains to be done under the contract but the payment of the consideration by the government department, the section does not apply (*Royse v. Birley*, L. R. 4 C. P. 296; 38 L. J. Rep. C. P. 203). It was considered that loan contractors did not come within the section (*Rothschild's Case*, 139 Hansard, 951); why, it is difficult to see, but a clause is generally inserted in the Act which authorizes the loan, excluding this Act (see 19 & 20 Vict. c. 5, s. 26, and other Acts).

The words used are very wide, and would seem to impose a disqualification upon all persons receiving emoluments from public departments during the period of their employment, and until they are paid, *e.g.*, counsel to public departments, secretaries to commissions.

2. If any person, being a member of the House of Commons, shall directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake, or execute, in the whole or in part, any such contract, agreement, or commission, as aforesaid; or if any person, being a member of the House of Commons, and having already entered into any such contract, agreement, or commission, or part or share of any such contract, agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of Parliament, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such person in the House of Commons shall be, and is hereby declared to be void. Seat void.

22 Geo. 3,
c. 45.

*Contractors for
Public Service.*

Saving for
companies.

Saving for
contracts by
descent.

Election void.

Penalty.

Condition in
public con-
tracts as to
members.

Penalty.

3. Provided always, That nothing herein contained shall extend, or be construed to extend, to any contract, agreement, or commission, made, entered into, or accepted, by any incorporated trading company in its corporate capacity, nor to any company now existing or established and consisting of more than ten persons, where such contract, agreement, or commission, shall be made, entered into, or accepted, for the general benefit of such incorporation or company.

6. Provided also, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to any person on whom, after the passing of this Act, the completion of any contract, agreement, or commission, shall devolve by descent or limitation, or by marriage, or as devisee, legatee, executor, or administrator, until twelve calendar months after he shall have been in possession of the same.

9. And be it further enacted by the authority aforesaid, That if any person hereby disabled, or declared to be incapable to sit or vote in Parliament, shall nevertheless be returned as a member to serve for any county, stewartry, city, borough, town, cinque port, or place, in Parliament, such election and return are hereby enacted and declared to be void: And if any person, disabled and declared incapable by this Act to be elected, shall, after the end of this present session of Parliament, presume to sit or vote as a member of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said House, to any person or persons who shall sue for the same, in any of his Majesty's Courts at Westminster; and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; or by summary complaint before the Court of Session in Scotland; and every person, against whom any such penalty or forfeiture shall be recovered by virtue of this Act, shall be from thenceforth incapable of taking or holding any contract, agreement, or commission, for the public service, or any share thereof, or any benefit or emolument from the same, in any manner whatsoever.

10. And be it enacted, That in every such contract, agreement, or commission, to be made, entered into, or accepted, as aforesaid, there shall be inserted an express condition, that no member of the House of Commons be admitted to any share or part of such contract, agreement, or commission, or to any benefit to arise therefrom: And that in case any person or persons who hath or have entered into or accepted, or who shall enter into or accept, any such contract, agreement, or commission, shall admit any member or members of the House of Commons to any part or share thereof, or to receive any benefit thereby, all and

every such person and persons shall, for every such offence, forfeit and pay the sum of five hundred pounds; to be recovered, with full costs of suit, in any of his Majesty's Courts of Record at Westminster, by any person or persons who shall sue for the same, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; or by summary complaint before the Court of Session in Scotland.

22 Geo. 3,
c. 45.

11. Provided also, and be it enacted, That no person shall be liable to any forfeiture or penalty inflicted by this Act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

Limitation of
actions.

22 Geo. 3, c. 82, ss. 1, 2, 30.

22 Geo. 3, c. 82,
ss. 1, 2, 30.

1. From and after the passing of this Act the office commonly called or known by the name of Third Secretary of State, or Secretary of State for the Colonies, the office or establishment commonly called The Board of Trade and Plantations, the offices of the lords and gentlemen of police in Scotland, the principal officers of the Board of Works, the principal officers of the great wardrobe, the principal officers of the jewel office, the treasurer of the chamber, the cofferer of the household, the offices of the six clerks of the board of green cloth, the office of paymaster of the pensions, the offices of the master of the harriers, the master of the foxhounds, and the master of the staghounds, and all and every of the offices aforesaid together with certain of the offices dependent on or connected with the same of which a list shall be entered in the Exchequer by certificate from the Lords Commissioners of the Treasury on or before the tenth day of October one thousand seven hundred and eighty-two (which list the said Lords Commissioners are hereby directed to cause to be entered as aforesaid), shall be and are hereby utterly suppressed, abolished, and taken away (Rep. Stat. Law Rev. Act, 1871).

Certain offices
abolished.

2. And it is hereby further enacted and declared by the authority aforesaid, That if any office of the same name, nature, description, or purpose of those hereby abolished shall be established hereafter, the same is and shall be deemed and taken as a new office to all constructions, intents, and purposes whatsoever.

Offices of same
nature to be
considered new.

Under this Act two Secretaries of State only could sit, but by 21 & 22 Vict. c. 106, s. 4 (p. 874), "any four" Secretaries of State, but four only at the same time, may be in the House of Commons.

22 Geo. 3, c. 82,
ss. 1, 2, 30.

Pensions.

Bounties.

30. And for the better prevention of all practice by which such grants as of bounty may be made a colour under which pensions may be substantially granted, contrary to the true intent and meaning of this Act, it is hereby enacted that any sum or sums of money so given as of royal bounty to any person more than once in three years, the same is and shall be reputed a pension or pensions to all intents and purposes whatever.

39 & 40 Geo. 3,
c. 67, art. 4.

*Irish peers
qualified for
Great Britan.*

39 & 40 Geo. 3, c. 67, Art. 4. Act of Union.

Any person holding any peerage of Ireland now subsisting or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city, or borough of Great Britain in the House of Commons of the United Kingdom unless he shall have been previously elected as above to sit in the House of Lords of the United Kingdom.

The Act goes on to say that while he is a member of the House of Commons he is not to be entitled to the privileges of peerage.

The words "if he shall so think fit" modify in this instance the rule that a member cannot decline to serve.

Peers.] With the exception allowed by this section peers are disqualified for the House of Commons. Peers of Parliament already sit in Parliament. Scotch peers, by the Act of Union with Scotland (5 Anne, c. 8), "enjoy all the privileges of peers as fully as the peers of England, except the right and privilege of sitting in the House of Lords." It is to be observed that the disqualifications of English peers are not imposed on Scotch peers, and although it has been assumed that Scotch peers not representative are disqualified for England as well as Scotland, the law is not clear. The Act 2 & 3 Will. 4, c. 65, s. 37, allowing the eldest sons of Scotch peers to sit for Scotland, was passed apparently to correct a peculiarity of Scotch law.

41 Geo. 3,
c. 52.

*British dis-
qualifications
to continue for
British seats.*

41 Geo. 3, c. 52.

1. All persons disabled from or incapable of being elected, or sitting and voting in the House of Commons of any Parliament of Great Britain, shall be disabled from and be incapable of being elected or sitting or voting in the House of Commons of any Parliament of the United Kingdom, as knights, citizens, or burgesses for any county, stewartry, city, borough, cinque port, town, or place, in that part of the United Kingdom called Great Britain.

*Irish disquali-
fications to
continue for
Irish seats.*

2. And be it further enacted, That from and after the passing of this Act, all persons disabled from or incapable of being elected or sitting and voting in the House of Commons of any Parliament of Ireland, shall be disabled from and be incapable of being elected or sitting and voting in the House of Commons

of any Parliament of the United Kingdom as knights, citizens, or burgesses, for any county, city, borough, town, or place, in that part of the United Kingdom called Ireland.

41 Geo. 3,
c. 52.

3. Provided nevertheless, That nothing in this Act shall be construed to enable persons, heretofore disabled by any Act of the Parliament of Great Britain from sitting and voting in the House of Commons of Great Britain, to sit or vote in the House of Commons of the said Parliament of the said United Kingdom, as knights, citizens, or burgesses for any county, city, borough, town, or place in that part of the United Kingdom called Ireland; nor to enable persons, heretofore disabled by any Acts of the Parliament of Ireland from sitting and voting in the House of Commons of Ireland, to sit or vote in the House of Commons of the Parliament of the said United Kingdom, as knights, citizens, or burgesses for any county stewarty, city, borough, cinque port, town, or place, in that part of the United Kingdom called Great Britain.

Proviso.

This proviso is obscure. Sect. 1 makes persons disqualified for the British Parliament disqualified also for the Parliament of the United Kingdom in respect of seats in Great Britain. Sect. 2 conversely makes persons disqualified for the Irish Parliament disqualified for the Parliament of the United Kingdom in respect of seats in Ireland. The proviso does not say, as has been supposed, that persons disqualified for the British Parliament shall be disqualified for the Parliament of the United Kingdom in respect of Irish seats and *e converso* in respect of British seats; that would be to repeal the express and limited enactments in s. 1 and s. 2; but it provides that "nothing in the Act" shall "enable" persons disqualified by British Acts to sit for Ireland and conversely. The difficulty is to know what there is in the Act which could have the effect of enabling a person disqualified for Great Britain to sit for Ireland or the converse; but the proviso was probably inserted for greater caution. In the *Reading Case*, Corbet & Daniel, 114, it was considered that an Irish Act (33 Geo. 3, c. 41) disqualifying a person whose wife has a pension from the Crown, does not disqualify for an English constituency.

4. From and after the dissolution or other determination of this present Parliament, no person or persons who shall by himself or his deputy, or any other in trust for him, or for his benefit, take, hold, enjoy, or execute, or continue to hold, enjoy, or execute any of the offices, employments, or places of profit hereinafter mentioned, in or for that part of the United Kingdom called Ireland, shall be capable of being elected or chosen a member of or of sitting or voting as a member of the House of Commons of any Parliament of the said United Kingdom of Great Britain and Ireland, in any Parliament which shall hereafter be summoned and holden; (that is to say),

Persons holding places in Ireland disabled from sitting in United Parliament.

No person who shall be commissioner of customs, excise, or stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the sums of money, duties, or other aids, heretofore granted, or which shall hereafter be granted by any Act of Parliament to his Majesty, his heirs or successors (except the Commissioners of the Treasury and their Secretary):

Customs,
Excise.
Stamps.

Treasury.

41 Geo. 3,
c. 52.

*Irish Offices
of Profit.*

Regimental
agents.

Contractors.

Saving for
companies.

Deputies or
clerks in cer-
tain offices.

Nor any agent for any regiment :

Nor any person who shall directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, or continue to execute, hold or enjoy in the whole or in part, any contract, agreement, or commission made or entered into, under or from the Commissioners of his Majesty's Treasury in Ireland, or with any one or more of such commissioners, or with any other person or persons whomsoever, for or on account of the public service in Ireland; or who shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract or commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandise to be used or employed in the service of the public, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or employment arising from the same (except persons who shall be members of any incorporated trading company now existing or established in Ireland, and consisting of more than ten persons, so far as relates to any contract, agreement, or commission, which now is or shall or may hereafter be made, entered into, or accepted by such company in its corporate capacity, for the general benefit of such incorporation or company):

Nor any deputies or clerks in any of the several offices following: that is to say, the office of Lord High Treasurer or the Commissioners of the Treasury (except the Secretary of the Treasury); or the Chancellor of the Exchequer (except the Secretary of the Chancellor of the Exchequer); or of the Commissioners of Stamps.

The general scheme of this section is to apply the disqualifications already existing in England in regard to offices, &c., to the like offices, &c., in Ireland.

Collectors of Customs, &c.] These words are taken from 5 & 6 Will. & M. c. 7, applicable to the Parliament of England, which forbade members of Parliament farming, &c. the duties. (See also 12 & 13 Will. 3, c. 10, s. 88, p. 848, by which a collector of the customs was disqualified for England.)

Contractors.] This adapts to the circumstances of Ireland (ss. 1 and 3 of 22 Geo. 3, c. 45, p. 355).

Clerks.] This applies (s. 1. of 15 Geo. 2, c. 22, p. 353) to Irish offices.

Holders of new
offices under
Lord Lieute-
nant dis-
qualified.

5. From and after the dissolution or other determination of this present Parliament, no person who shall have in his own name, or in the name of any person or persons in trust for him or his benefit, any office or place of profit, from or by the nomination or appointment, or by any appointment subject to the approbation of the Lord Lieutenant, Lord Deputy, Lord Justices, or other chief governor or governors of that part of the United Kingdom called Ireland, created or erected at any time after the passing of an Act of the Parliament of Ireland, in the

thirty-third year of the reign of his present Majesty, intituled *An Act for securing the freedom and independence of the House of Commons, by excluding therefrom persons holding any offices under the Crown to be hereafter created, or holding certain offices therein enumerated, or pensions for terms of years, or during His Majesty pleasure,* shall be capable of being elected or chosen a member of, or of sitting or voting as a member of, the House of Commons of any Parliament of the said United Kingdom of Great Britain and Ireland, in any Parliament which shall hereafter be summoned and holden.

41 Geo. 3,
c. 52.

This section adapts to the Parliament of the United Kingdom the Irish statute, 33 Geo. 3, c. 41, which applied s. 24 of 6 Anne, c. 7 (p. 849), to Ireland, and put officers under the Lord Lieutenant in a similar position to officers under the Crown.

6. If any person hereby declared to be disabled from or rendered incapable of sitting or voting in the House of Commons, shall nevertheless be elected or returned as a member to serve in Parliament for any county, stewartry, city, borough, cinque port, town, or place, in any part of the said United Kingdom, such election or return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person or persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this Act to be elected, shall presume to sit or vote as a member of the said House of Commons, such person or persons so sitting or voting shall incur such pains, penalties, and forfeitures, as are inflicted or imposed by the several Acts of Parliament heretofore passed in Great Britain or Ireland for disabling or incapacitating such persons from sitting in the Parliaments of Great Britain or Ireland respectively; and if such person or persons shall be disabled or incapacitated by the having, holding, or accepting of any office, employment, or place of profit, in this Act enumerated and particularised, then and in such case such person or persons so sitting or voting, shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said House; to be recovered by such person as shall sue for the same in any Court of Record in any part of the said United Kingdom by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, and only one imparlance.

Penalties
under former
British or Irish
Acts.

£500 per day.

The penalty is taken from 6 Anne, c. 7.

8. Provided also, and it is hereby further enacted and declared, That nothing in this Act shall extend or be construed to exclude any person having or holding any office, place, or employment for life, or for so long as he shall behave himself well in his office (other than and except all persons concerned in the managing, collecting, or farming of any sums of money, duties, or other aids granted or to be granted to his Majesty, his heirs or

Offices for life
or good be-
haviour.

41 Geo. 3,
c. 52.

*Irish Offices
of Profit.*

Seat of accep-
tor of any
office vacated.

successors); anything therein contained to the contrary notwithstanding.

This distinction of offices held *quamdiu bene se gesserit* from offices held *durante bene placito* does not occur in 6 Anne, but occurs in 15 Geo. 2, c. 22, s. 3, p. 354, as to deputies and clerks.

9. Provided always, That if any person being chosen a member of the House of Commons shall, from and after the passing of this Act, accept of any office of profit whatever, immediately and directly from the Crown of the said United Kingdom, or by the nomination or appointment, or by any other appointment subject to the approbation of the Lord Lieutenant, Lord Deputy, Lord Justices, or other chief governor or governors of that part of the said United Kingdom called Ireland, his seat shall thereupon become vacant, and a writ shall issue for a new election: Provided nevertheless, That such person (if he be not incapacitated by anything hereinbefore contained), shall be capable of being again elected to be a member of the House of Commons for the place for which he had been a member, or for any other place sending members to the House of Commons.

This applies s. 26 of 6 Anne to the Parliament of the United Kingdom and to offices to which appointments are made by the Lord Lieutenant. The words "immediately and directly" are contrasted with "by appointment of the Lord Lieutenant," and do not throw light on the word "from" in s. 25 of 6 Anne.

41 Geo. 3,
c. 63.

Priests and
deacons, and
ministers of
the Church of
Scotland.

41 Geo. 3, c. 63.

1. Whereas it is expedient to remove doubts which have arisen respecting the eligibility of persons in holy orders to sit in the House of Commons, and also to make effectual provision for excluding them from sitting therein; be it therefore declared and enacted, That no person having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, is or shall be capable of being elected to serve in Parliament as a member of the House of Commons.

The words "ordained to the office of priest or deacon" include ordinations of the Irish Church. The English Act of Uniformity is 1 Eliz. c. 2. An Irish Act of Uniformity was passed in Ireland in 1560. By 32 & 33 Vict. c. 42, s. 2, the union between the English and Irish churches was dissolved, but not so as to affect this Act, because since the Irish Church Act clergymen of the Church of Ireland are still "priests or deacons."

Minister of the Church of Scotland.] The Church of Scotland was established by an Act in Scotland in 1592 as a Presbyterian Church. It afterwards became Episcopalian until the Revolution, when it became Presbyterian again, and was recognised by the Act of Union as the Presbyterian Church of Scotland for ever established as a fundamental part of the union. As to Roman Catholic priests, see 10 Geo. 4, c. 7, s. 2 (p. 369).

By the Clerical Disabilities Act, 1870 (33 & 34 Vict. c. 91, s. 4), a minister of the Church of England on executing a deed of relinquishment is relieved from the disabilities of this Act.

2. And be it further declared and enacted, That if any person, having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, shall hereafter be elected to serve in Parliament as aforesaid, such election and return shall be void; and that if any person, being elected to serve in Parliament as a Member of the House of Commons, shall, after his election, be ordained to the office of priest or deacon, or become a minister of the Church of Scotland, then and in such case the seat of such person shall immediately become void; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a member of the House of Commons, he shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said House, to any person or persons who shall sue for the same in any of his Majesty's Courts at Westminster; and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said Courts, by any action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; and every person against whom any such penalty or forfeiture shall be recovered by virtue of this Act, shall be from thenceforth incapable of taking, holding, or enjoying any benefice, living, or promotion ecclesiastical, and of taking, holding, or enjoying any office of honour or profit under his Majesty, his heirs or successors.

41 Geo. 3,
c. 63.

Election void.

Penalty.

This section ended with a proviso in favour of "any election which shall have taken place before the passing of this Act." This preserved the seat of Horne Tooke. It was doubtful whether the disqualification existed at common law.

3. Provided also, and be it enacted, That no person shall be liable to any forfeiture or penalty inflicted by this Act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

Limitation of
actions.

4. And be it further enacted, That proof of the celebration of divine service, according to the rites of the Church of England, or of the Church of Scotland, in any church or chapel consecrated or set apart for public worship, shall be deemed and taken to be *prima facie* evidence of the fact of such person having been ordained to the office of a priest or deacon, or of his being a minister of the Church of Scotland, within the intent and meaning of this Act.

Proof.

By the Act of Union (39 & 40 Geo. 3, c. 67, art. 5) the "doctrine and worship of the United Church of England and Ireland shall be as established for the Church of England." Divine service is therefore celebrated in the Church of Ireland according to the "rites of the Church of England." The Irish Church Act (32 & 33 Vict. c. 42) makes no alteration, as by s. 20 the "rites" of the Church of Ireland remain as before, and the ecclesiastical law of Ireland, which was that of England, binds the Church of Ireland as if by contract.

A curious disqualification both from voting in and being elected to Scotch constituencies is still retained in 32 Geo. 3, c. 63, s. 13, by which attendants at Scotch Episcopal chapels where the Royal Family is not prayed for are disqualified.

56 Geo. 3, c. 46,
s. 8.

Commissioners of his Majesty's Treasury for the time being, or any three or more of them; and the said officer, during the holding of the said office, shall be and is hereby declared to be incapable of being elected into or of sitting and voting in Parliament.

56 Geo. 3,
c. 98, s. 16.

Commissioners
of the Treasury
of the United
Kingdom
qualified.

56 Geo. 3, c. 98, s. 16.

The appointment of any person or persons to be Commissioner or Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall not, nor shall any such appointment be deemed or taken to be an appointment or appointments to a new office or new offices, or place or places of profit under the Crown; and any person so to be appointed one of the Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall not, nor shall any of them be thereby disabled from sitting or voting as a member of the House of Commons, nor shall he be thereby rendered incapable of being elected a member of the House of Commons, anything in any Act or Acts to the contrary in anywise notwithstanding.

The Commissioners of the Treasury in England were excepted from 5 & 6 Will. & M. c. 7, s. 59 (p. 346).

57 Geo. 3, c. 62,
s. 10.

Irish offices.

57 Geo. 3, c. 62, s. 10.

And be it further enacted, That every office and appointment belonging to and making part of the establishment of any of the said offices respectively, when so regulated as aforesaid, shall be deemed and taken to be a new office within the true intent and meaning of an Act passed in the forty-first year of the reign of his present Majesty, intituled "An Act for declaring what persons shall be disabled from sitting and voting in the House of Commons," &c., and every person holding any such office shall be incapable of sitting or voting as a member of the House of Commons, and every such officer who shall sit or vote in the House of Commons shall be liable and subject to the penalties and forfeitures contained in the said recited Act with respect to such person or persons as shall be disabled or incapacitated by the holding or accepting of any office, employment, or place of profit in the said Act enumerated and particularised.

The offices regulated by this Act are the Irish offices of Clerk of the Council, Master-General, Pratique Master of the port of Dublin, Storekeeper of the Customs in the said port, and Commissioners of the Board of Works in Ireland. For 41 Geo. 3, c. 52, see p. 362. The Act is general, and so is not limited to Irish seats.

57 Geo. 3, c. 64, s. 15.57 Geo. 3, c. 64,
s. 15.

Scotch offices.

And be it further enacted, That the regulation of any office under the provisions of this Act, which was an office existing previous to an Act passed in the sixth year of the reign of her late Majesty Queen Anne, intituled "An Act for the security of her Majesty's person and government, and of the succession to the Crown of Great Britain in the Protestant line," shall not be held to be a new office within the intent and meaning of that Act of Parliament; but every person holding any such office so regulated shall be and remain in the same situation with respect to that Act of Parliament as if the same had not been regulated under the provisions of this Act.

The offices regulated by this Act are the offices of Keeper of the Great Seal for Scotland, Keeper of the Privy Seal for Scotland, Keeper of the Signet and Lord Register in Scotland, Cashier and Receiver-General of Excise in Scotland, Knight-Marshal or Vice-Admiral in Scotland, Auditor of the Exchequer in Scotland, King's Remembrancer in Exchequer in Scotland, Lord Treasurer's Remembrancer in Exchequer in Scotland, Presenter of Signatures in Exchequer in Scotland, Keeper of the General Register of Seizins in Scotland, Clerk to the Admission of Notaries in Scotland, Director of the Chancery in Scotland, Clerk of the Chancery in Scotland, and Clerk of the Court of Admiralty in Scotland. The Act is not limited to Scotland, and therefore applies to English seats.

1 & 2 Geo. 4, c. 44, s. 1.1 & 2 Geo. 4,
c. 44, s. 1.

Irish judges.

No person holding the office of Lord Chancellor in Ireland, Master of the Rolls in Ireland, or being one of the twelve judges of the Courts of King's Bench, Common Pleas, and Exchequer in Ireland, or being a master in Chancery in Ireland, shall be capable of being elected or of sitting or voting as a member of the House of Commons.

The Irish Judicature Act (40 & 41 Vict. c. 57, s. 13, *post*, p. 382), disqualifies the judges of the High Court and Court of Appeal in Ireland.

4 Geo. 4, c. 7, s. 3.4 Geo. 4, c. 7,
s. 3.Chancellor of
Exchequer of
Great Britain.

And be it further enacted, That if any person holding the office of Chancellor of the Exchequer of Great Britain shall at any time be appointed to be Chancellor of the Exchequer of Ireland, then and whenever it shall so happen, the said person so appointed shall not by such his appointment to the said office of Chancellor of the Exchequer of Ireland or by his acceptance thereof, vacate his seat as a member of the Commons House of Parliament if he shall then be a member thereof.

The first section of this Act provides that "the person who for the time being shall hold the office of Chancellor of Exchequer of Great Britain shall always from time to time be appointed Chancellor of the Exchequer of Ire-

4 Geo. 4, c. 7,
s. 3.

*Chancellor of
Exchequer.*

land." By 33 & 34 Vict. c. 10, s. 14 (p. 380), the Chancellor of the Exchequer is made Master of the Mint, and the union of the offices is neither to produce a disqualification nor a vacation of seat. It is to be observed that the present section does not deal with disqualification, but vacation of seat. The best answer to the contention that the Chancellorship of the Exchequer when consolidated with the Chancellorship of Ireland was a disqualification for a new office under 6 Anne, c. 7, s. 24, is that he always has sat in Parliament.

7 Geo. 4, c. 32.

President of
the Board of
Trade
qualified.

7 Geo. 4, c. 32.

Such office shall not by reason of such salary being annexed thereto be deemed a new office; Provided always that no such order or warrant or receipt of salary under the same by the person holding such office at the time of passing this Act shall make void the election of any such person, nor shall any new writ issue for a new election in consequence of any such order or warrant or receipt of salary under the same, anything in any Act or Acts to the contrary notwithstanding.

7 & 8 Geo. 4,
c. 53, s. 8.

Commissioner
or officer of
excise.

7 & 8 Geo. 4, c. 53, s. 8.

No person being a member of the Commons House of Parliament shall, during the time of his being such member of Parliament, be capable of being a commissioner or assistant commissioner of excise, or commissioner of appeal under this Act, or of being an officer of excise, or person employed in the charging, collecting, or managing of any part of the revenue of excise, or in comptrolling or auditing the accounts thereof, nor shall be capable of taking, holding, or executing, or being in any manner concerned in executing, either by himself or deputy, or by any other person or persons in trust for him, or for his use and benefit, any such office or employment; and if any person shall, during the time of his being a member of the Commons House of Parliament, at any time take, hold, or execute, or be in any manner concerned in executing, either by himself or deputy, or by any other person or persons in trust for him, or for his use and benefit, any such office or employment as aforesaid, such person shall be and is hereby declared to be incapable of sitting, voting, or acting in any manner as a member of the Commons House of Parliament in such Parliament.

This section repeals the exception in 5 & 6 Will. & M., c. 7, s. 57, in favour of Commissioners of Excise. The disqualifying part of the section is limited to members of the House of Commons, and it does not disqualify for election. As soon, however, as an excise officer is elected he "holds" the office during the time of his being a member and is incapable of sitting, unless he resigns. Commissioners and officers of customs, excise, and stamps in Ireland are disqualified for election (41 Geo. 3, c. 52, s. 4, p. 359).

As to officers of customs, see 12 & 13 Will. 3, c. 10, s. 88, p. 348.

7 & 8 Geo. 4, c. 65, s. 5.

7 & 8 Geo. 4,
c. 65, s. 5.

The members of the Council of the Lord High Admiral for the time being shall not be deemed and taken to have or hold any new offices or places of profit within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for the security of her Majesty's person and government, and of the succession to the Crown of Great Britain in the Protestant line."

Council of the
Admiralty
qualified.

10 Geo. 4, c. 7, ss. 2, 9.

10 Geo. 4,
c. 7, ss. 2, 9.

2. It shall be lawful for any person professing the Roman Catholic Religion, who shall after the commencement of this Act be returned as a member of the House of Commons, to sit and vote in Parliament, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the oath, instead of the oaths of allegiance, supremacy, and abjuration.

Roman
Catholics may
sit and vote.

Roman Catholics were not disqualified from being elected, but were prevented from sitting by being required to make the declaration against transubstantiation, &c. This Act not only provided an oath (for which the general oath is now substituted by 31 & 32 Vict. c. 72), but gave Roman Catholics a substantive statutory right to sit.

Jews.] Similarly Jews were not disqualified from being elected, but down to 1858 were bound before sitting to take the oath on "the true faith of a Christian" (*Miller v. Salomans*, 8 Ex. Ch. 788). These words are now omitted from the oath as prescribed by the Parliamentary Oaths Act, 1866, as amended by the Promissory Oaths Act, 1868.

Atheists.] Atheists are not disqualified from being elected, but they are incapable of taking the oath now required, on account of their want of religious belief (*Attorney-General v. Bradlaugh*, 54 Law Rep. Q. B. 205), and are not entitled to substitute an affirmation for the oath (*Clarke v. Bradlaugh*, 7 Q. B. D. 38; 50 L. J. Q. B. 342; 44 L. T. 667; 29 W. R. 516). Although, therefore, they are elected they cannot take their seat.

9. And be it further enacted, That no person in Holy Orders in the Church of Rome shall be capable of being elected to serve in Parliament as a member of the House of Commons; and if any such person shall be elected to serve in Parliament as aforesaid, such election shall be void; and if any person, being elected to serve in Parliament as a member of the House of Commons shall, after his election, take or receive Holy Orders in the Church of Rome, the seat of such person shall immediately become void; and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a member of the House of Commons, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an Act passed in the forty-first year of the reign of King George the Third, intituled *An Act to remove doubts respecting the eligibility of persons in Holy Orders to*

Roman
Catholic priest
disqualified.

10 Geo. 4,
c. 7, ss. 2, 9.

sit in the House of Commons ; and proof of the celebration of any religious service by such person, according to the rites of the Church of Rome, shall be deemed and taken to be *prima facie* evidence of the fact of such person being in Holy Orders within the intent and meaning of this Act.

As to clergymen of the Churches of England and of Ireland, and ministers of the Church of Scotland, see 41 Geo. 3, c. 63 (p. 362).

10 Geo. 4,
c. 44, s. 18.

10 Geo. 4, c. 44, s. 18.

Police magis-
trate.

No justice of the peace or receiver, appointed by virtue of this Act, shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons.

The justices appointed under this Act are the police magistrates for Westminster, and the receiver is the receiver for the Metropolitan Police District. This section is by 19 & 20 Vict. c. 2, s. 9 (p. 373), extended to Assistant Commissioners of Police appointed under that Act. The other Acts in regard to Metropolitan Police Magistrates are to be read as one with this Act, but there appears to be no other parliamentary disqualification. The 3 & 4 Will. 4, c. 19, s. 19, disqualifying the metropolitan magistrates appointed thereby was repealed by 2 & 3 Vict. c. 71, s. 54, and not re-enacted. The Stipendiary Magistrates Act, 1863 (26 & 27 Vict. c. 97), relating to large towns contains no such clause.

10 Geo. 4, c. 62.

10 Geo. 4, c. 62.

Governor, &c.,
in India
incapable of
sitting.

1. No person who shall be hereafter appointed governor or deputy governor of any of the settlements, presidencies, territories, or plantations of the said East India Company, shall be capable of being elected or of sitting or voting as a member of the House of Commons while he shall continue to hold such office.

The statute of 6 Anne, c. 7, s. 25, disqualified "Governors and Deputy-Governors of Plantations." Governors and Lieutenant-Governors of the Presidencies are still "Governors and Deputy-Governors of Presidencies of the East India Company," although the company no longer exists. Moreover, now that these Presidencies are under the Crown, there is the less doubt that they are "Plantations" within the meaning of 6 Anne.

Election void.

2. And be it further enacted, That if any person hereby declared to be incapable to sit or vote as a member of the House of Commons shall nevertheless be returned as a member to serve in Parliament, such election and return are hereby enacted and declared to be void; and if any person declared by this Act incapable of being elected shall sit or vote as a member of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds to such person or persons who shall sue for the same in any of his Majesty's Courts at Westminster; and the money so forfeited shall be recovered by the persons so suing, with full costs of suit, in any of the said

Penalty.

Courts, by action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed. 10 Geo. 4, c. 62.

1 & 2 Will. 4, c. 33, s. 11.

No commissioner or other officer appointed or to be appointed under the provisions of this Act shall, during the time of his acting or appointment as such commissioner or officer, be capable of being elected a member of or sitting in the House of Commons.

1 & 2 Will. 4,
c. 33, s. 11.

Commissioners
of Public
Works in
Ireland.

2 & 3 Will. 4, c. 40, s. 1.

Provided always, That such transfer shall not be deemed to confer on the said commissioners for executing the office of Lord High Admiral aforesaid any new office within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled, &c., nor shall any such commissioner last mentioned by taking upon himself under any new letters patent which his Majesty may think fit to cause to be issued the duties of the offices so abolished be disqualified from sitting and voting in Parliament, or thereby vacate the seat in Parliament which any such commissioner may then hold, anything contained in the said Act of Queen Anne or in any other Act or any usage of Parliament to the contrary notwithstanding: but it is nevertheless hereby declared that, from and after the passing of this Act, no greater number than five commissioners of the Admiralty shall be competent at any one time to sit and vote in the Commons House of Parliament.

2 & 3 Will. 4,
c. 40, s. 1.

Five Lords of
the Admiralty
only in House
of Commons.

As to the effect of an excessive number being returned, see 27 & 28 Vict. c. 34, s. 3 (p. 377).

As to the limit on the number of Secretaries of State, see 27 & 28 Vict. c. 34 (p. 376).

2 & 3 Will. 4, c. 87, s. 36.

No person holding the said office of Registrar of Deeds in Ireland shall be capable of being elected a member or of sitting or voting in Parliament.

2 & 3 Will. 4,
c. 87, s. 36.

Irish Registrar
of Deeds.

5 & 6 Will. 4, c. 35, s. 5.

The said office of Paymaster-General shall not be deemed or taken to be a new office within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled, &c.

5 & 6 Will. 4,
c. 35, s. 5.

Paymaster-
General
qualified.

See also 35 & 36 Vict. c. 44, s. 4 (p. 381).

6 & 7 Will. 4,
c. 13, s. 18.

Irish Con-
stabulary
officers.

6 & 7 Will. 4, c. 13, s. 18.

No inspector-general, deputy inspector-general, receiver, or county-inspector, or magistrate appointed by virtue of this Act shall, during the continuance of such appointment, be capable of being elected or sitting as a member of the House of Commons.

See also 48 Geo. 3, c. 140, s. 14 (p. 364).

6 & 7 Will. 4,
c. 29, s. 19.

Dublin police
magistrates.

6 & 7 Will. 4, c. 29, s. 19.

No justice of the peace or receiver appointed by virtue of this Act shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons.

4 & 5 Vict.
c. 35, s. 5.

Land Com-
missioners.

4 & 5 Vict. c. 35, s. 5.

No commissioner or assistant commissioner appointed as aforesaid shall, during the continuance of such office, be capable of being elected or of sitting as a member of the House of Commons.

By 14 & 15 Vict. c. 53, s. 6, the provisions of any Acts applicable to copyhold commissioners are applied to the land commissioners under that Act.

6 & 7 Vict.
c. 18, s. 28.

Revising
barristers.

6 & 7 Vict. c. 18, s. 28.

No barrister appointed as aforesaid shall for eighteen months from the time of his appointment be eligible to serve in Parliament for any county, riding, parts, or division of a county, or for any city, borough, or other place as aforesaid for which he shall be so appointed.

For the rest of this section, see p. 86.

13 & 14 Vict.
c. 94, s. 3.

First
Ecclesiastical
Commissioner.

13 & 14 Vict. c. 94, s. 3.

The First Church Estates Commissioner for the time being shall be capable of being elected and of sitting and voting as a member of the House of Commons.

14 & 15 Vict.
c. 42, ss. 10, 20.

Commissioners
of Woods and
Forests.

14 & 15 Vict. c. 42, ss. 10, 20.

10. Neither of the commissioners of her Majesty's Woods, Forests, and Land Revenues for the time being under this Act shall be capable of being elected or of sitting or voting as a member of the House of Commons.

20. The First Commissioner of her Majesty's Works and Public Buildings for the time being shall be capable of being elected and of sitting and voting as a member of the House of Commons.

14 & 15 Vict.
c. 42, ss. 10, 20.
First Commis-
sioner of
Works.

14 & 15 Vict. c. 57, s. 2.

No person holding the said office of assistant barrister shall be capable of being a member of the House of Commons in the present or any future Parliament.

14 & 15 Vict.
c. 57, s. 2.
Irish assistant
barristers.

These assistant barristers are chairmen of county quarter sessions in Ireland.

16 & 17 Vict. c. 137, s. 5.

No paid commissioner, secretary, or inspector to be appointed under this Act shall be capable of sitting in the House of Commons during the tenure of his office.

16 & 17 Vict.
c. 137, s. 5.
Charity
Commissioners.

17 & 18 Vict. c. 117, s. 11.

No commissioner shall during his continuance in office be capable of being elected or of sitting as a member of the House of Commons.

17 & 18 Vict.
c. 117, s. 11.
West Indian
Commissioners.

These are Commissioners of encumbered estates in the West Indies.

19 & 20 Vict. c. 2, s. 9.

The provisions of the firstly recited Act for preventing any justice of the peace appointed by virtue of that Act from being elected or sitting as a member of the House of Commons shall apply to and include the said assistant commissioners to be appointed under this Act.

19 & 20 Vict.
c. 2, s. 9.
Assistant
Commissioners
of Police.

The recited Act is 10 Geo. 4, c. 44, for s. 18, of which see p. 370. By the Metropolitan Police Act, 1884 (47 & 48 Vict. c. 17), power to appoint a third assistant commissioner is given, to whom this Act "shall apply in like manner as if three assistant commissioners of police were therein mentioned."

19 & 20 Vict. c. 116.

Such Vice-President shall be capable of being elected and of sitting and voting as a member of the House of Commons.

19 & 20 Vict.
c. 116.
Vice-President
of Council of
Education
qualified.

20 & 21 Vict.
c. 60, s. 14.

Irish Bank-
ruptcy Judge.

20 & 21 Vict. c. 60, s. 14.

No such judge shall during his continuance in such office be capable of being elected a member of the House of Commons.

20 & 21 Vict.
c. 79, s. 7.

Irish Probate
Judge.

20 & 21 Vict. c. 79, s. 7.

No person holding the said office of judge shall be capable of being elected or being a member of the present or any future House of Commons.

21 & 22 Vict.
c. 72, s. 7.

Land Judge
of Ireland.

21 & 22 Vict. c. 72, s. 7.

No judge appointed under this Act shall during his continuance in such office be capable of being elected or of sitting as a member of the House of Commons.

21 & 22 Vict.
c. 106, ss. 4, 12.

Four Principal
and four
Under
Secretaries
only in the
House.

21 & 22 Vict. c. 106, ss. 4, 12.

4. Any four of her Majesty's Principal Secretaries of State for the time being and any four of the Under Secretaries for the time being to her Majesty's Principal Secretaries of State may sit and vote as members of the House of Commons, but not more than four such Principal Secretaries and not more than four such Under Secretaries shall sit as members of the House of Commons at the same time.

This section forbids a fifth Secretary of State or Under Secretary to sit, and by 27 & 28 Vict. c. 34, s. 1 (p. 377), if a fifth Under Secretary be returned the election is void. This Act created the office of Secretary of State for India.

Members of
Council of
India.

12. No member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

21 & 22 Vict.
c. 110.

Acceptance of
office during
recess.

21 & 22 Vict. c. 110.

1. From and after the passing of this Act it shall and may be lawful for the Speaker of the House of Commons for the time being during any recess of the House as aforesaid to issue his warrant to the Clerk of the Crown to make out a new writ for election of a member of the House in the room of any member who has since such adjournment or prorogation accepted any office whereby he has, either by the express provision of any Act of Parliament, or by any previous determination of the House of Commons, vacated his seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the *Queen's Gazettes*, and a notice thereof, together with a copy of the *Gazette*, shall have been sent to the Speaker by a certificate under the hands of two members of the House of Commons according to the form in the schedule to this Act annexed or to the like effect.

2. Provided always, That any member of the House of Commons accepting any such office as aforesaid shall forthwith notify his acceptance thereof to the Speaker either by writing under the hand of such member or by his counter-signing the said certificate relating to such acceptance, and the Speaker shall not issue his warrant in pursuance of this Act without having received such notification and until fourteen days after he shall have caused notice of his having received such certificate and notification to be inserted in the *London Gazette*.

21 & 22 Vict.
c. 110.

Notice to
Speaker of
acceptance.

3. Provided always, That in any case in which it shall appear to the Speaker to be doubtful whether the acceptance of any office, which has been certified to him as aforesaid, has the effect of vacating the seat of the person so appointed, it shall be lawful for the said Speaker, instead of issuing his warrant in pursuance of this Act, to reserve such question for the decision of the House.

Reserving
question for
the House.

4. Provided always, That this Act shall not in any way apply to the acceptance of any of the following offices; that is to say, the office of steward or bailiff or her Majesty's three Chiltern Hundreds of Stoke, Desborough, and Bonenham, or of the manor of East Hendred, or of the manor of Northstead, or of the manor of Hempholme, or of escheator of Munster.

Saving for
Stewardship of
Chiltern Hun-
dreds, &c.

These are the offices conferred for the purpose of enabling a member to resign his seat.

5. All the other provisions of the said recited Act shall be applicable to the cases provided for in this Act.

The recited Act is 24 Geo. 3, c. 26 (p. 391), which authorizes the Speaker to issue his warrant to the Clerk of the Crown upon the death of or elevation to the peerage of a member of the House of Commons.

6. This Act may be cited as the "Election of Members during Recess Act, 1858."

SCHEDULE.

We, whose names are underwritten, being two members of the House of Commons, do hereby certify that *M.P.*, late a member of the said House, serving as one of the knights of the shire for the county of _____ (or as the case may be), has accepted the office of Member of the Council for India (or as the case may be), and has been gazetted thereto in the *Gazette*, dated the _____ day of _____, and has thereby vacated his seat; and we give you this notice to the intent that you may issue your warrant to the Clerk of the Crown to make out a new writ for the election of a knight to serve in Parliament for the said county of _____ (or as the case may be), in the room of the said *M.P.*

Given under our hands this _____ day of _____

A.B.
C D

To the Speaker of the House of Commons

25 & 26 Vict. c. 99, s. 4.

No person who has been or may hereafter be appointed a judge of any county court by virtue of the said Act, 9 & 10 Vict. c. 95, shall during his continuance in the office of judge be capable of being elected or of sitting as a member of the House of Commons.

25 & 26 Vict.
c. 99, s. 4.

County court
judges.

26 & 27 Vict.
c. 65, s. 5.

English
Volunteer
officer.

26 & 27 Vict. c. 65, s. 5.

The acceptance of a commission in the Volunteer Force by a member of the Commons House of Parliament shall not render his seat vacant.

See also for the Irish volunteers, 44 Geo. 3, c. 54, s. 58 (*ante*, p. 364).

27 & 28 Vict.
c. 34.

27 & 28 Vict. c. 34.

“Whereas by the Act of the session of the twenty-first and twenty-second years of the reign of her present Majesty, chapter one hundred and six, it is provided that after the commencement of that Act any four of her Majesty's Principal Secretaries of State for the time being, and any four of the Under Secretaries for the time being to her Majesty's Principal Secretaries of State, may sit and vote as members of the House of Commons, but no more than four such Principal Secretaries and not more than four such Under Secretaries shall sit as members of the House of Commons at the same time: And whereas it is expedient to explain and amend the said Act: And whereas similar provisions are or may be contained in other Acts now in force or to be hereafter passed with respect to persons holding other offices, and it is expedient that the same rules shall be established for all such cases:” BE IT ENACTED:

Fifth Under
Secretary of
State dis-
qualified.

1. If at any time when four of the Under Secretaries for the time being to her Majesty's Principal Secretaries of State are members of the House of Commons, any other person, being a member of that house, accepts the office of Under Secretary of State to any of the said Principal Secretaries, the election of such person shall be and the same is hereby declared to be void, and a writ shall be issued for a new election.

A member whose election is so declared to be void (and also any person who, not being a member, holds the office of Principal Secretary of State or Under Secretary to one of her Majesty's Principal Secretaries of State) shall be incapable of being elected or sitting as a member of the House of Commons during such time as he holds such office, and four other Principal Secretaries or Under Secretaries respectively, as the case may be, are members of the House of Commons, but not for any further or longer period.

For the limit on Secretaries of State, see 21 & 22 Vict. c. 106, s. 4 (*ante*, p. 374). By 27 & 28 Vict. c. 21, an indemnity is given in regard to a fifth Under Secretary having inadvertently sat.

Return in
excess of the
law.

2. If at any general election there are returned as members to serve in Parliament a greater number of persons holding the office of Principal Secretary of State or the office of Under Secretary of State than are permitted by Act of Parliament to sit and vote in the House of Commons, the election of such persons

shall not be invalidated by reason of such excess; but no one of such persons shall be capable of sitting or voting in the House of Commons until the number of persons returned as members and holding the same office as himself is reduced by death, resignation, or otherwise to the number permitted by law to sit in the House of Commons.

27 & 28 Vict.
c. 34.

If any person sits or votes in the House of Commons in contravention of this section he shall be liable to a penalty not exceeding five hundred pounds for each day during which he so sits or votes.

The limit on Secretaries of State is four. The use of the word "resignation" is to be remarked. The process must be by accepting the stewardship of the Chiltern Hundreds (p. 350).

3. In all cases in which by any Act now in force, or to be hereafter passed, any limit is or shall be imposed upon the number of persons holding any other office who may at the same time sit or vote as members of the House of Commons, the rules established by this Act with reference to persons holding the office of Under Secretary of State shall be applied in the same manner as if such other office had been expressly mentioned in this Act, unless special provision shall be made to the contrary.

Application to
other offices.

For the general limit of the number of Commissioners, see 6 Anne, c. 7, s. 26 (p. 351). For the limit on Lords of the Admiralty, see 2 & 3 Will. 4, c. 40, s. 1 (p. 371). As to Commissioners of the Treasury, see 56 Geo. 3, c. 98, s. 16 (p. 366).

29 & 30 Vict. c. 39, s. 3.

29 & 30 Vict.
c. 39, s. 3

The said Comptroller and Auditor General, and Assistant Comptroller and Auditor, shall not be capable while holding their offices of being elected or of sitting as members of the House of Commons.

Exchequer and
audit officers.

29 & 30 Vict. c. 55, s. 1.

29 & 30 Vict.
c. 55, s. 1.

The office of Postmaster General shall not, after the passing of this Act, be deemed to be a new office or place of profit within the meaning of the said Act of the sixth year of the reign of Queen Anne, or such an office as disqualifies the holder thereof from being elected or sitting or voting as a member of the House of Commons, subject to the proviso that if a member of the House of Commons accept the said office he shall thereby, though eligible for re-election, vacate his seat, and a new writ shall issue for an election as if he were dead.

Postmaster
General.

In other words the office is taken out of s. 24 of 6 Anne, c. 7 (p. 349), but left within s. 25.

30 & 31 Vict.
c. 44, s. 4.

Irish Vice-
Chancellor.

30 & 31 Vict. c. 44, s. 4.

No Vice-Chancellor appointed under this Act shall during his tenure of office be capable of sitting in the House of Commons.

See also the Irish Judicature Act, *post*.

30 & 31 Vict.
c. 72.

Secretary of
Board of Trade.

30 & 31 Vict. c. 72.

The said office of Parliamentary Secretary shall not render the person holding the same incapable of being elected or of sitting or voting as a member of Parliament, or avoid his election if returned, or render him liable to any penalty for sitting or voting in Parliament.

The office referred to is the Parliamentary Secretary of the Board of Trade taking the place of the Vice-President of the Board of Trade.

30 & 31 Vict.
c. 114, s. 9.

Irish
Admiralty
Judge.

30 & 31 Vict. c. 114, s. 9.

No judge appointed under this Act shall during his continuance in such office be capable of being elected or sitting as a member of the House of Commons.

30 & 31 Vict.
c. 102, s. 52.

Offices of
profit accepted
in succession.

30 & 31 Vict. c. 102, s. 52. [Representation of the People, 1867.]

Whereas it is expedient to amend the law relating to offices of profit, the acceptance of which from the Crown vacates the seats of members accepting the same, but does not render them incapable of being re-elected, be it enacted that where a person has been returned as a member to serve in Parliament since the acceptance by him from the Crown of any office described in Schedule H. to this Act annexed the subsequent acceptance by him from the Crown of any other office or offices described in such schedule in lieu thereof and in immediate succession the one to the other shall not vacate his seat.

Immediate succession.] If an office not in the schedule has been held between two in the schedule, the seat is vacated.

Schedule H.

SCHEDULE (H.)

Offices of Profit referred to in this Act.

Lord High Treasurer.

Commissioner for executing the Offices of Treasurer of the Exchequer of Great Britain and Lord High Treasurer of Ireland.

President of the Privy Council.

Vice-President of the Committee of Council for Education.

Comptroller of Her Majesty's Household.

Treasurer of Her Majesty's Household.

Vice-Chamberlain of Her Majesty's Household.
 Equerry or Groom in Waiting on Her Majesty.
 Any Principal Secretary of State.
 Chancellor and Under Treasurer of Her Majesty's Exchequer.
 Paymaster General.
 Postmaster General.
 Lord High Admiral.
 Commissioner for executing the Office of Lord High Admiral.
 Commissioner of Her Majesty's Works and Public Buildings.
 President of the Committee of Privy Council for Trade and Plantations.
 Chief Secretary for Ireland.
 Commissioner for administering the Laws for the Relief of the Poor in England.
 Chancellor of the Duchy of Lancaster.
 Judge Advocate General.
 Attorney General for England.
 Solicitor General for England.
 Lord Advocate for Scotland.
 Solicitor General for Scotland.
 Attorney General for Ireland.
 Solicitor General for Ireland.

The Irish Representation of the People Act (31 & 32 Vict. c. 48, s. 51, Sch. H.), and the Scotch Representation of the People Act (31 & 32 Vict. c. 49, s. 11, Sch. E.), have *verbatim* the same section and schedules.

This section modifies the effect of 6 Anne, c. 7, s. 25 (p. 350).

By 34 & 35 Vict. c. 70, s. 4, p. 381, the President of the Local Government Board is added to the schedules.

32 & 33 Vict. c. 15, s. 1.

32 & 33 Vict.
c. 15, s. 1.

Pensions, compensations, or allowances granted for civil services, according to the provisions of the aforesaid Acts of 4th and 5th years of King William 4, and the 22nd year of her Majesty, or any other Act or Acts whatever, shall not disqualify the holder from being elected or sitting or voting as a member of the House of Commons.

Civil Service pensioners qualified.

But for this Act they would be disqualified under 6 Anne, c. 7, s. 24 (p. 349).

32 & 33 Vict. c. 42, s. 9.

32 & 33 Vict.
c. 42, s. 9.

No commissioner appointed under this Act shall during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

Irish Church Commissioner.

The commissioner referred to is the Irish Church Temporalities Commissioner. The Act is a general Act, and does not apply to Ireland only.

32 & 33 Vict. c. 43, s. 17.

32 & 33 Vict.
c. 43, s. 17.

A pension under this Act shall not disqualify the holder for being elected or sitting or voting as a member of the House of Commons.

Diplomatic pensioners qualified.

This Act is the Diplomatic Salaries Act, 1869. A similar provision

32 & 33 Vict.
c. 43, s. 17.

occurred in 22 & 23 Vict. c. 5, s. 1, now repealed, in regard to diplomatic pensions under 2 & 3 Will. 4, c. 116, and is maintained as to pensions so granted. Pensioners generally under the Crown are disqualified by 6 Anne, c. 7, s. 24 (p. 349).

33 & 34 Vict.
c. 10, s. 14.

33 & 34 Vict. c. 10, s. 14.

Master of Mint
and Chancellor
of Exchequer.

The Chancellor of the Exchequer for the time being shall be the Master-Worker and Warden of Her Majesty's Royal Mint in England, and Governor of the Mint in Scotland.

Provided that nothing in this section shall render the Chancellor of the Exchequer incapable of being elected to or of sitting and voting in the House of Commons, or vacate the seat of the person who at the passing of this Act holds the office of Chancellor of the Exchequer.

33 & 34 Vict.
c. 17, ss. 2, 3.

33 & 34 Vict. c. 17, ss. 2, 3.

Surveyor of
Ordnance
qualified.

2. The Surveyor General of the Ordnance shall not by virtue of such appointment, if sitting in the Commons House of Parliament, vacate his seat, or whether sitting in such House or not, be disqualified from being elected to or sitting or voting in the said House of Parliament.

Financial
Secretary of
War Office
qualified.

3. The Financial Secretary of the War Office shall not by virtue of such appointment if sitting in the Commons House of Parliament vacate his seat, or whether sitting in such House or not, be disqualified from being elected to or sitting or voting in the said House of Parliament.

These two officials are appointed by the Secretary at War.

33 & 34 Vict.
c. 23, s. 2.

33 & 34 Vict. c. 23, s. 2.

Convicts.

If any person hereafter convicted of treason or felony, for which he shall be sentenced to death or penal servitude, or any term of imprisonment with hard labour, or exceeding twelve months shall at the time of such conviction hold any military or naval office, or any civil office under the Crown, or other public employment, or any ecclesiastical benefice, or any place, office, or emolument in any university, college, or other corporation, or be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place, shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable unless such person shall receive a free pardon from her Majesty within two months after such conviction or before the filling up of such office benefice employment or place if given at a later period; and such person shall become, and (until he shall have suffered the punishment to which he had been sentenced, or such other

punishment as by competent authority may be substituted for the same, or shall receive a free pardon from her Majesty), shall continue thenceforth incapable of holding any military or naval office, or any civil office under the Crown, or other public employment, or any ecclesiastical benefice, or of being elected or sitting or voting as a member of either House of Parliament, or of exercising any right of suffrage or other parliamentary or municipal franchise whatever within England, Wales, or Ireland.

33 & 34 Vict.
c. 23, s. 2.

The "such person" rendered incapable of being elected by this section is grammatically a person who is convicted as stated *and* who holds an office, &c., but strict grammar may be departed from so as to hold disqualified any person convicted of treason or felony, and sentenced to at least twelve months imprisonment. The Act does not apply to Scotland (s. 33). At common law a conviction of felony *simpliciter* was a disqualification, but this Act restricts that disqualification, being (see title) passed "to amend the law relating to treason and felony," except so far as Scotch seats are concerned, as to which the common law holds good in virtue of s. 29 of 6 Anne, c. 7, (p. 351). On February 10, 1870, before this Act, O'Donovan Rossa was pronounced by the House disqualified as a felon, and a similar resolution was passed in the case of Mitchell. A pardon had at common law the effect of removing the common law disqualification, and by 9 Geo. 4, c. 32, s. 3, fulfilling the sentence had the same effect.

Outlaws.] Outlaws by criminal process, a most uncommon case, are also incapacitated.

34 & 35 Vict. c. 70, s. 4.

34 & 35 Vict.
c. 70, s. 4.

The President and one of the secretaries of the Local Government Board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of President shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867, in Schedule H. of the Representation of the People (Scotland) Act, 1868, and in Schedule E. of the Representation of the People (Ireland) Act, 1868.

President and
Secretary of
Local Govern-
ment Board
qualified.

35 & 36 Vict. c. 44, s. 4.

35 & 36 Vict.
c. 44, s. 4.

Nothing in this Act shall render the Paymaster General incapable of being elected to or sitting or voting in the House of Commons, or cause a member of the House of Commons upon becoming Paymaster General to vacate his seat.

Paymaster
General.

The Paymaster General was qualified by 5 & 6 Will. 4, c. 35, s. 5 (p. 371). The duties of the Accountant General in Chancery are transferred to him by this Act, and this section was inserted to save his qualification.

35 & 36 Vict. c. 58, s. 41.

35 & 36 Vict.
c. 58, s. 41.

If a person, being a member of the Commons House of Parliament, is adjudged bankrupt he shall be and remain during one year from the date of the order of adjudication incapable of sitting and voting in that House, unless within that

Bankrupts in
Ireland.

35 & 36 Vict.
c. 58, s. 41.

time either the order is annulled, or the creditors who prove debts under the bankruptcy are fully paid or satisfied.

Provided that such debts (if any) as are disputed by the bankrupt shall be considered for the purpose of this section as paid or satisfied if within the time aforesaid he enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning such debts, together with any costs to be given in such proceedings.

By s. 2 "this Act shall not, except in so far as same is expressly provided, apply to England or Scotland." Sect. 41, therefore, applies to Irish bankruptcies and disqualifies only for Irish seats, but is given here, as this opinion may be questioned. As to English bankruptcies, see 46 & 47 Vict. c. 52, ss. 32, 33 (p. 385). As to Scotch sequestrations, see 47 & 48 Vict. c. 16, ss. 5, 6 (p. 386).

36 & 37 Vict.
c. 77, s. 6.

36 & 37 Vict. c. 77, s. 6.

Naval volunteer force.

The acceptance of a commission in the naval artillery volunteer force by a member of the Commons House of Parliament shall not render his seat vacant.

38 & 39 Vict.
c. 77, s. 5.

38 & 39 Vict. c. 77, s. 5. [Judicature Act, 1875.]

Judges of
High Court
and Court of
Appeal.

No judge of either of the said Courts shall be capable of being elected to or of sitting in the House of Commons.

The disqualification of judges existed by the common law of Parliament except in the case of the Master of the Rolls, who is included in this Act. The reason of the common law disqualification has not been satisfactorily stated. It was not usual on creating a new English judgeship to disqualify the holder, although the holders of new Irish judgeships when made were disqualified, and both would hold offices of profit under the Crown.

40 & 41 Vict.
c. 57, s. 13.

40 & 41 Vict. c. 57, s. 13. [Irish Judicature Act, 1877.]

Irish judges
of High and
Appeal Courts.

No judge of either of the said Courts shall be capable of being elected to or of sitting in the House of Commons.

44 & 45 Vict.
c. 49, s. 54.

44 & 45 Vict. c. 49, s. 54.

Irish Land
Commissioners.

No person, being a member of or holding office under the Land Commission, or being an assistant commissioner, shall during the time that he holds his office be capable of being elected a member of or sitting in the Commons House of Parliament.

45 & 46 Vict. c. 49, s. 38.

The acceptance of a commission as a militia officer shall not vacate the seat of any member returned to serve in Parliament.

This Act applies to Scotland and Ireland.

45 & 46 Vict.
c. 49, s. 38.

Militia officers
qualified.

45 & 46 Vict. c. 50, s. 163 (6). Municipal Corporation Act, 1882.

The recorder of a borough shall not, during his office, be eligible to serve in Parliament for the borough, but he shall be eligible to serve in Parliament except for the borough.

By 3 & 4 Vict. c. 108, s. 166, recorders of Irish boroughs are disqualified for their boroughs.

45 & 46 Vict.
c. 50,
s. 163 (6).

Recorders.

46 & 47 Vict. c. 51, ss. 4, 5, 11, 38, 46. Corrupt and Illegal Practices Act, 1883.

4. Where upon the trial of an election petition in respect of an election for a county or borough, the Election Court by the report made to the Speaker in pursuance of s. 11 of the Parliamentary Election Act, 1868, reports that any corrupt practice other than treating and undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough, and if he has been elected his election shall be void, and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice.

“Corrupt practices” means treating, undue influence, bribery, and personation, and aiding and procuring personation (s. 3 of 46 & 47 Vict. c. 51, p. 467). For the incapacity on conviction, see s. 6. For this Act in full, see p. 465.

46 & 47 Vict.
c. 51, ss. 4, 5,
11, 38, 46.

Candidate
personally
guilty of
corruption.

Total disquali-
fication for
constituency.

5. If the report upon the trial of an election petition is that any candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or of sitting in the House of Commons for such county or borough for seven years after the date of the report, and if he has been elected his election shall be void.

6. (4.) Any person so [i.e., on indictment] convicted of a corrupt practice in reference to any election shall be incapable of

Candidate
guilty of
corruption
through agent.
Seven years'
disqualifica-
tion for
constituency.

Seven years'
disqualifica-
tion for
corruption.

46 & 47 Vict.
c. 51, ss. 4, 5,
11, 38, 46.

being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.

Candidate
personally
guilty of illegal
practice.

11. (a.) If the report of the Election Court to the Speaker is that any illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or of sitting in the House of Commons for the said county or borough for seven years after the date of the report, and if he has been elected his election shall be void, and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice.

Guilty through
agent.

(b.) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the Parliament for which the election was held, and if he has been elected his election shall be void.

Illegal
practices by
report of
commissioners.

38. (5.) Every person who after the commencement of this Act is reported by any Election Court or Election Commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty.

By ss. 4, 5, 11 (a.), the disqualification in regard to candidates is to date from the report of the Election Court. Under this section it is to date from the election. This section is a general section including electors, and the special sections in regard to candidates will prevail, so that while the disqualification upon the report of an Election Court dates from the report, it dates from the election in the case of a commissioners' report.

By s. 6 (4.) conviction for a corrupt practice involves incapacity for election for seven years. Candidates are not disqualified by conviction for an illegal practice.

Removal of
incapacity.

46. Where a person has either before or after the commencement of this Act become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act, by reason of a conviction or a report of any Election Court or Election Commissioners, and any witness who gave evidence against such incapacitated person is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the Court if satisfied that such conviction or report, so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

46 & 47 Vict. c. 52, ss. 32, 33. Bankruptcy Act, 1883.46 & 47 Vict.
c. 52, ss. 32,
33.

32. (1.) Where a debtor is adjudged bankrupt he shall be disqualified for being elected to or sitting or voting in the House of Commons, or on any committee thereof. (2.) The disqualifications to which a bankrupt is subject under this Act shall be removed and cease if and when (a) the adjudication of bankruptcy against him is annulled; (b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part. The Court may grant or withhold such certificate as it thinks fit, but any refusal of such certificate shall be subject to appeal. (3.) The disqualifications imposed by this section shall extend to all parts of the United Kingdom.

Bankrupts.

33. If a member of the House of Commons is adjudged bankrupt, and the disqualifications arising therefrom under this Act are not removed within six months from the date of the order, the Court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of the member shall be vacant.

Vacation of
seat.

(2.) Where the seat of a member so becomes vacant, the Speaker, during a recess of the House, whether by prorogation or by adjournment, shall forthwith, after receiving the certificate, cause notice thereof to be published in the *London Gazette*; and after the expiration of six days after the publication, shall (unless the House has met before that day or will meet on the day of the issue) issue his warrant to the Clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

Recess.

(3.) The powers of the Act of the twenty-fourth year of the reign of King George the Third, chapter twenty-six, "to repeal so much of those Acts made in the tenth and fifteenth years of the reign of his present Majesty as authorizes the Speaker of the House of Commons to issue his warrant to the Clerk of the Crown for making out writs for the election of members to serve in Parliament in the manner therein mentioned and for substituting other provisions for the like purposes," * so far as those powers enable the Speaker to nominate and appoint other persons, being members of the House of Commons, to issue warrants for the making out of new writs during the vacancy of the office of Speaker, or during his absence out of the realm, shall extend to enable him to make the like nomination and appointment for issuing warrants under the like circumstances and conditions for the election of a member in the room of any member whose seat becomes vacant under this Act.

Vacancy of
Speakership.

* p. 392.

The provisions of the Bankruptcy Act, 1869 (32 & 33 Vict. c. 71, ss. 121-124), as to the loss of seats by members of the House of Commons are spent.

The effect of these sections is, first, that a bankrupt cannot be elected unless his bankruptcy is annulled, or he obtain his discharge with a certi-

46 & 47 Vict.
c. 52, ss. 32,
33.

ificate that his bankruptcy was caused by misfortune; secondly, that if a member, he must cease to sit; thirdly, if a member and his bankruptcy is not annulled or his discharge with certificate obtained within six months from the adjudication, his seat becomes vacant. The disqualifications of this section only apply to a bankruptcy under this Act. The statute 52 Geo. 3, c. 144, in regard to commissions of bankruptcy, although unrepealed, is spent. The Bankruptcy Act, 1869, ss. 120–124, affected the seat only, and is now repealed. For Irish bankruptcies, see the Irish Bankruptcy Amendment Act, 35 & 36 Vict. c. 58 (p. 381). For Scotch sequestrations, see p. 386. Sub. (3) of s. 32 is inserted in view of s. 2, which provides that “this Act shall not, except so far as is expressly provided, extend to Scotland and Ireland.” Consequently, bankruptcy in England is a disqualification for Irish and Scotch seats.

46 & 47 Vict.
c. 52,
s. 116 (1).

Bankruptcy
registrars.

46 & 47 Vict. c. 52, s. 116 (1).

No registrar or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, be capable of being elected or sitting as a member of the House of Commons.

47 & 48 Vict.
c. 16, ss. 5, 6.

English
bankruptcy
disqualifica-
tions applied
to Scotland.

47 & 48 Vict. c. 16, ss. 5, 6.

5. In the application of s. 32 of the Bankruptcy Act, 1883, to Scotland, the following provisions shall have effect:

(1.) The expression “adjudged bankrupt” shall include the case of a person whose estate has been sequestrated or with respect to whom a decree of *cessio bonorum* has been pronounced by a competent Court in Scotland.

(2.) [As to Scotch offices.]

(3.) The disqualifications to which a person adjudged bankrupt is subject under the said section as amended by this Act shall be removed and cease if and when

(a.) The sequestration of his estate is recalled or reduced or the decree of *cessio bonorum* with respect to him is recalled or reduced.

(b.) He obtains his discharge from a competent Court.

6. Sects. 33 and 34 of the Bankruptcy Act, 1883, shall apply to Scotland, subject to the following provisions:

(1.) In each of the said sections the expression “adjudged bankrupt” shall have the meaning assigned to it in the immediately preceding section of this Act.

(2.) In the said s. 33 the expression “order” shall include “deliverance or decree,” and the expression “Court” shall include the Court in Scotland pronouncing the deliverance or decree.

Scotch sequestrations and *cessiones bonorum* are thus made a disqualification for English, Scotch, and Irish seats, the Act being general.

47 & 48 Vict. c. 70, s. 2, subs. 2. Corrupt Practices at Municipal Elections Act, 1884.47 & 48 Vict.
c. 70, s. 2,
subs. 2.

A person who commits any corrupt practice in reference to a municipal election shall be guilty of the like offence, and shall on conviction be liable to the like punishment and subject to the like incapacities as if the corrupt practice had been committed in reference to a parliamentary election.

Corrupt
practices at
municipal
elections.

By the Corrupt Practices Parliamentary Elections Act, 1883, s. 6 (4) (p. 385), a person convicted of a corrupt practice at a parliamentary election is disqualified from sitting for seven years.

48 & 49 Vict. c. 61, s. 3. The Secretary for Scotland Act, 1885.48 & 49 Vict.
c. 61, s. 3

3. The Secretary, if not a member of the House of Lords, shall if otherwise qualified, be capable of being elected to and of voting in the Commons House of Parliament, and the office of Secretary shall be deemed to be an office included in Schedule (H.) of the Representation of the People Act, 1867,* in Schedule (H.) of the Representation of the People (Scotland) Act, 1868, and in Schedule (E.) of the Representation of the People (Ireland) Act, 1868, and in Part First of the Schedule of the Promissory Oaths Act, 1868, as regards England.

Secretary for
Scotland quali-
fied.

* p. 378.

By s. 2 a salary of £2000 a year is annexed to the office, which but for the section extracted would be a new office of profit under the Crown (6 Anne, c. 7, s. 24, p. 349). It is to be observed that the Secretary for Scotland is not a Secretary of State, as to which office, see p. 377.

PART V.

THE ELECTION.

		PAGE
3 Edw. 1, c. 5 . . .	Freedom of election	388
7 & 8 Will. 3, c. 7 . .	Double Returns	389
7 & 8 Will. 3, c. 25 . .	Execution of writ for election	390
1 Geo. 1, st. 2, c. 38 .	The Septennial Act	391
24 Geo. 3, c. 26 . . .	Election during recess	391
33 Geo. 3, c. 64 . . .	Notices of election at Universities	394
53 Geo. 3, c. 89 . . .	Delivery of writ for election	394
2 Will. 4, c. 45 . . .	Reform Act, 1832—Returning officers for boroughs —Polling booths—Close of poll for riot, &c.	397
5 & 6 Will. 4, c. 36 . .	Time of commencing poll	402
6 Vict. c. 18, ss. 79– 97	Parliamentary Registration Act, 1843—Persona- tion—Constables	403
10 & 11 Vict. c. 21 . .	Soldiers to remain in barracks	409
15 & 16 Vict. c. 28 . .	Meeting of Parliament	410
16 Vict. c. 15	One day's polling in counties	410
16 & 17 Vict. c. 68 . .	Poll at University elections	411
17 & 18 Vict. c. 57 . .	Sheriff returning officer in boroughs on default	412
17 & 18 Vict. c. 104 . .	Corrupt Practices Prevention Act, 1854	413
21 & 22 Vict. c. 110 . .	Election in recess	418
24 & 25 Vict. c. 53 . .	Poll by voting papers at University elections	419
26 Vict. c. 20	Election in recess	422
26 & 27 Vict. c. 29, s. 6	General allegation in indictment for bribery	423
30 & 31 Vict. c. 102, ss. 9–11, 33, 34, 37, 41–45, 47, 49–51, 53, 57, 58, 61 . . .	Representation of the People Act, 1867—Polling districts—Returning officers	423
31 & 32 Vict. c. 58 . .	Local authority	428
31 & 32 Vict. c. 65 . .	Declaration by voter at University elections	429
35 & 36 Vict. c. 33 . .	Ballot Act, 1872—Nomination—Poll by ballot— Conclusiveness of register	439
38 & 39 Vict. c. 84 . .	Election Expenses Act, 1875	456
45 & 46 Vict. c. 50, s. 244	Municipal Corporations Act, 1882—Returning officer in municipal boroughs	464
46 & 47 Vict. c. 51 . .	Corrupt and Illegal Practices Act, 1883	465
48 Vict. c. 10	Election (Hours of Poll) Act, 1885	515
48 & 49 Vict. c. 23, ss. 12, 13, 15, 16 . .	Redistribution of Seats Act, 1885—Returning officer in new and divided boroughs and in counties—Place of election	516
48 & 49 Vict. c. 56 . .	Leave of absence for employé to vote without deduction from wages	519
48 & 49 Vict. c. 62 . .	Returning Officers Expenses Act, 1885	520

3 Edw. 1, c. 5.

3 Edw. 1, c. 5.

And because elections ought to be free the King commandeth upon great forfeiture, that no man by force of arms, nor by malice or menacing, shall disturb any to make free elections.

7 & 8 Will. 3, c. 7, ss. 3-6.

7 & 8 Will. 3,
c. 7, ss. 3-6.

[1. *False returns declared against law and prohibited, and returns contrary to the last determination in the House of Commons of the right of election in a county, city, borough, cinque port, or place adjudged to be a false return.—Obsolete.*]

[2. *The person duly elected may sue the officers and persons making or procuring the false return at Westminster, and recover double damages and costs.—Obsolete.*]

3. And to the end the law may not be eluded by double returns, be it further enacted, That if any officer shall wilfully, falsely, and maliciously return more persons than are required to be chosen by the writ or precept on which any choice is made, the like remedy may be had against him or them, and the party or parties that willingly procure the same and every or any of them by the party grieved at his election.

Double returns
forbidden.

This section has been disregarded by the House of Commons, and in the *Helston Case*, in July, 1866, it was resolved that "according to the law and usage of Parliament it is the duty of the returning officer in England, in case of an equal number of votes being polled, to return all the candidates." This rule is, however, now altered by s. 2 of the Ballot Act, 1872 (p. 432), which gives the returning officer when an elector a casting vote. When there is an equality of votes, and the returning officer is not an elector, and in other cases of double election, the returning officer must choose between the penalties of this section forbidding a double return, and the resolution of the House of Commons requiring it. Theoretically the Act of Parliament must prevail; practically the resolution is followed, especially as by s. 40 of the Election Petitions Act, 1868 (p. 534), a double return seems contemplated.

4. And be it further enacted, That all contracts, promises, bonds, and securities whatsoever hereafter made or given to procure any return of any member to serve in Parliament, or anything relating thereunto, be adjudged void, and that whoever makes or gives such security, contract, promise, or bond, or any gift or reward to procure such false or double return, shall forfeit the sum of three hundred pounds, one-third part thereof to be to his Majesty, his heirs and successors, another third part thereof to the poor of the county, city, borough, or place concerned, and one-third part thereof to the informer, with his costs to be recovered in any of his Majesty's courts of record at Westminster by action of debt, bill, plaint, or information, wherein no essoigne, protection, or wager of law shall be allowed nor any more than one imparlance.

Penalty for
procuring false
or double
return.

5. And for the more easy and better proof of any such false or double return, be it enacted, That the Clerk of the Crown for the time being shall from time to time enter or cause to be entered in a book for that purpose, to be kept in his office, every single and double return of any member or members to serve in Parliament which shall be returned or come into his office or to his hands, and also every alteration and amendment as shall be made by him or his deputy in every such return, to

Book of
returns kept
by Clerk of
Crown.

7 & 8 Will. 3,
c. 7, ss. 5, 6.

*False or Double
Return.*

Penalty on
Clerk of
Crown.

Limitation of
time.

which book all persons shall have free access at all seasonable times to search and take true copies of so much thereof as shall be desired, paying a reasonable fee or reward for the same, and that the party or parties prosecuting such suit shall and may at any trial give in evidence such book so kept or a true copy thereof relating to such false or double return, and shall have the like advantage of such proof as he or they should or might have had by producing the record itself, any law, custom, or usage to the contrary notwithstanding. And in case the said Clerk of the Crown shall not within six days after any return shall come into his office or to his hands duly and fairly, make such entry or entries as aforesaid, or shall make any alteration in any return unless by order of the House of Commons, or give any certificate of any person not returned, or shall wilfully neglect or omit to perform his duty in the premises, he shall for every such offence forfeit to the party and parties aggrieved the sum of five hundred pounds, to be recovered as aforesaid, and shall also forfeit and lose his said office and be for ever incapable of having or holding the same.

6. Provided always, That every information or action grounded upon this statute shall be brought within the space of two years after the cause of action shall arise, and not after.

7 & 8 Will. 3,
c. 25, ss. 1, 2.

Time between
Teste and
return of writ.
Writ delivered
to proper
officer, and
date of receipt
indorsed.

7 & 8 Will. 3, c. 25, ss. 1, 2.

1. When any new Parliament shall at any time hereafter be summoned or called, there shall be forty days between the teste and returns of the writs of summons; and that the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being, shall issue out the writs for election of members to serve in the same Parliament, with as much expedition as the same may be done; and that as well upon the calling or summoning any new Parliament, as also in case of any vacancy during this present or any future Parliament, the several writs shall be delivered to the proper officer to whom the execution thereof doth belong or appertain, and to no other person whatsoever: and that every such officer, upon the receipt of the same writ, shall upon the back thereof indorse the day he received the same.

By 15 & 16 Vict. c. 23 (p. 410), the time between the Queen's proclamation and the meeting of Parliament may be any time not less than thirty-five days. This enactment necessarily reduces the period of 40 days between the teste and the return, but there is no period laid down in which the sheriff is to return the writ. The form in the Ballot Act (p. 449) lays down no time for the return, but it provides *for the indorsement* required by this Act. The latter part of this section provided for the sheriff issuing precepts to the boroughs within his county, but this procedure was abrogated in 1855 by 16 & 17 Vict. c. 68, s. 1 (p. 411), and the writs directed to be sent to the borough returning officers direct.

2. Neither the sheriff or his under sheriff, in any county or city, nor the mayor, bailiff, constable, port-reeve, or other officer or officers, of any borough, town corporate, port or place, to whom the execution of any writ or precept for electing members to serve in Parliament doth belong or appertain, shall give, pay, receive, or take any fee, reward, or gratuity whatsoever, for the making out, receipt, delivery, return, or execution of any such writ or precept.

7 & 8 Will. 3,
c. 25, s. 2.

Sheriff, &c.,
not to give or
take any fee.

By s. 5 sheriffs and others for every wilful offence against the Act forfeit £500, to be recovered by action.

For s. 6 of this Act, see p. 4; for s. 7, see pp. 5 and 347.

8. All county courts held for the county of York or any other county courts which heretofore used to be held on a Monday shall be called and begun on a Wednesday and not otherwise, any custom or usage to the contrary notwithstanding.

This section is apparently obsolete.

1 Geo. 1, st. 2, c. 38. [The Septennial Act.]

1 Geo. 1, st. 2,
c. 38.

This present Parliament, and all Parliaments that shall at any time hereafter be called, assembled or held, shall and may respectively have continuance for seven years, and no longer, to be accounted from the day on which by the writ of summons this present Parliament hath been, or any future Parliament shall be appointed to meet, unless this present, or any such Parliament hereafter to be summoned, shall be sooner dissolved by his Majesty, his heirs or successors.

Continuance of
Parliaments
for seven years.

24 Geo. 3, c. 26.

24 Geo. 3, c. 26.

[1. Repeal of 10 Geo. 3, c. 41, and 15 Geo. 3, c. 36.]

2. And be it enacted, That, from and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons for the time being, during any recess of the said House, whether by prorogation or adjournment, and he is hereby required to issue his warrant to the Clerk of the Crown, to make out a new writ for electing a member of the House of Commons in the room of any member of the said House who shall happen to die, or who shall become a peer of Great Britain, either during the said recess, or previous thereto, as soon as he shall receive notice, by a certificate, under the hands of two members of the House of Commons, of the death of such member, in the first case; and in the second case, that a writ of summons hath been issued, under the Great Seal of Great Britain, to summon such peer to Parliament; which certificate may be in the form, or to the effect, comprised in the schedule hereunto annexed.

Electing
during recess
in the room of
members
dying or
becoming
peers.

24 Geo. 3, c. 26.

*Election in
Recess.*

For the schedule, see p. 393.

The process during the session on a vacancy is for the Speaker to issue a new writ on motion. The process under this Act was applied to the case of vacancies by accepting office by 21 & 22 Vict. c. 110. See p. 418.

As to the process when the bankruptcy of a member is certified by the Court to the Speaker, see Bankruptcy Act, 1883, s. 32, p. 386.

Notice of
vacancies in
Gazette.

3. Provided always, and be it enacted, That the Speaker of the House of Commons shall forthwith, after his receiving such certificate, cause notice thereof to be inserted in the *London Gazette*, and shall not issue his warrant until fourteen days after the insertion of such notice in the *Gazette*.

Six days substituted for fourteen by 26 Vict. c. 20, s. 1, p. 423.

Restrictions
on issuing
warrant for
election during
recess.

4. Provided also, That nothing herein contained shall extend to enable the Speaker of the House of Commons to issue his warrant for the purposes aforesaid, unless the return of the writ (by virtue of which such member deceased, or become a peer of Great Britain, was elected) shall have been brought into the office of the Clerk of the Crown, fifteen days at the least before the end of the last sitting of the House of Commons immediately preceding the time when such application shall be made to the Speaker of the House of Commons to issue such warrant as aforesaid; nor unless such application shall be made so long before the then next meeting of the House of Commons for the dispatch of business, as that the writ for the election may be issued before the day of such next meeting of the House of Commons; nor in case such application shall be made with respect to any seat in the House of Commons which shall have been vacated in either of the methods before mentioned, by any member of that House against whose election or return to serve in Parliament a petition was depending, at the time of the then last prorogation of Parliament, or adjournment of the House of Commons.

Speaker to
authorize
members of
the House to
execute the
powers under
this Act on
emergency.

5. And whereas the due execution of this Act may be prevented or impeded by the death of the Speaker of the House of Commons for the time being, or by his seat in Parliament becoming vacant, or by his absence out of the realm, for which inconveniencies it is expedient to provide a remedy; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the present Speaker of the House of Commons, and he is hereby required, within a convenient time after the passing of this Act, and for every future Speaker of the House of Commons, and he is hereby required within a convenient time after he shall be in that office, at the beginning of any Parliament, by any instrument in writing under his hand and seal, to nominate and appoint a certain number of persons, not more than seven, nor less than three, members of the House of Commons at the time being, thereby authorizing them, or any one of them, to execute all and singular the powers given to the Speaker of the House of Commons for the time

being, for issuing such warrants as aforesaid, by virtue of this Act, subject nevertheless to such regulations and exceptions as are herein also contained; which instrument of appointment and authority shall, notwithstanding the death of the Speaker of the House of Commons making and executing the same, or the vacating his seat in Parliament, continue and remain in full force until the dissolution of the Parliament in which it shall be made.

24 Geo. 3, c. 26.

6. Provided always, and be it enacted, That whenever and as often as the said number of persons, so to be appointed as aforesaid, shall, by death, or by their seats in Parliament being vacated, happen to be reduced to less than three, it shall and may be lawful for the Speaker of the House of Commons for the time being to make a new appointment in the manner hereinbefore directed.

Numbers of such members to be kept up to three.

7. Provided also, That every such appointment shall be entered in the journals of the House of Commons, and be also published once in the *London Gazette*; and the instrument of such appointment shall be preserved by the Clerk of the House of Commons, and a duplicate thereof shall be filed in the office of the Clerk of the Crown in Chancery.

Appointments to be entered, published, and filed.

8. Provided also, That nothing in this Act contained shall extend, or be construed to extend, to give any power or authority whatsoever to any person so to be nominated and appointed as aforesaid, except in the case of there being no Speaker of the House of Commons, or of his being absent out of the realm, nor for any longer time than such person, so to be appointed as aforesaid, shall continue a member of the House of Commons; anything herein contained to the contrary notwithstanding.

Members to act only on want of Speaker or absence out of realm.

9. And be it enacted, That the publisher of the *Gazette* for the time being, when any such notice as aforesaid of the issuing of any such warrant shall be brought to him, signed by any person so appointed as aforesaid, shall give a receipt for the same, specifying the day and hour when the same was received; and in case more than one such notice shall be brought to him, relative to the same election, such publisher shall insert in the *Gazette* only the notice first received.

Publisher of the *Gazette* to give receipts for notices.

SCHEDULE.

WE whose names are underwritten, being two members of the House of Commons, do hereby certify, that *M.P.*, late a member of the said House, serving as one of the knights of the shire for the county of [or as the case may be] died upon the day of [or is become a peer of Great Britain, and that a writ of summons hath been issued, under the Great Seal of Great Britain, to summon him to Parliament], [as the case may be]; and we give you this notice, to the intent that you may issue your warrant to the Clerk of the Crown, to

[See s. 2, p. 391.]

Form of notice to Speaker of vacancy.

24 Geo. 3, c. 26.

*Election in
Recess.*

make out a new writ for the election of a knight to serve in Parliament for the said county of [or as the case may be] in the room of the said *M.P.* Given under our hands, this day of .

*To the Speaker of
the House of Commons.*

Note.—That in case there shall be no Speaker of the House of Commons, or of his absence out of the realm, such certificate may be addressed to any one of the persons appointed according to the directions of this Act.

33 Geo. 3, c. 64.

Place and
time of notice
of election at
Universities.

33 Geo. 3, c. 64.

All notices to be given of the time and place of any election for members to serve in Parliament shall be publicly given at the usual place or places within the hours of eight of the clock in the forenoon and four of the clock in the afternoon from the 25th day of October to the 25th day of March inclusive, and within the hours of eight of the clock in the forenoon and six of the clock in the afternoon from the 25th day of March to the 25th day of October inclusive, and not otherwise, and no notice to be given of the time and place of the election of members to serve in Parliament shall be deemed or taken to be a good or valid notice for any purposes or to any effect whatsoever which shall not be made and published in the manner and at the time of day aforesaid: any law, statute, usage, or custom to the contrary notwithstanding.

This section, which was formerly of general application, now applies to the Universities only (see Ballot Act, 1872, 4th Schedule, p. 454).

53 Geo. 3, c. 89.

Delivery of
writs to
sheriffs of
London and
Middlesex.

53 Geo. 3, c. 89.

1. For the more expeditious and regular conveyance of writs for the election of members to serve in Parliament, be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, That when any new Parliament shall at any time hereafter be summoned or called, as also in all cases of vacancy during this present or any future Parliament, the messenger or pursuivant of the Great Seal, or his deputy, shall, after the receipt thereof, forthwith carry such of the said writs as shall be directed to the sheriffs of London, or sheriff of Middlesex, to the respective offices of such sheriffs or sheriff; and all such other writs to the General Post Office in London, and there deliver the same to the postmaster or postmasters-general for the time being, or to such other person or persons as the said postmaster or postmaster-general shall depute to receive the same (and which deputation they are hereby re-

All other
writs to the
Postmaster-
General, who
shall forward
the same.

spectfully required to make), who on receipt thereof shall give an acknowledgment in writing of such receipt to the said messenger or his deputy, from whom the same shall be received, expressing therein the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by the parties respectively to whom and by whom the same shall be so delivered; and the said postmaster or postmasters-general, or such their deputy or deputies, shall dispatch all such writs, free from the charges of postage (which they are hereby authorized to do) by the first post or mail after the receipt thereof, under covers, respectively directed to the proper officer or officers to whom the said writs shall be respectively directed, and to no other person whomsoever, accompanied with proper directions to the postmaster, or deputy postmaster of the town or place, or nearest to the town or place where such officer or officers shall hold his or their office, requiring such postmaster or deputy postmaster forthwith to carry such writs respectively to such office, and to deliver the same there to such officer or officers to whom the same shall be respectively directed, or to his or their deputy or deputies, who are hereby respectively required to give to such postmaster or deputy postmaster a memorandum in writing, under his or their hand or hands, acknowledging the receipt of every such writ, and setting forth the day and hour the same was delivered by such postmaster or deputy postmaster, which memorandum shall also be signed by such postmaster or deputy postmaster, who are hereby required to transmit the same by the first or second post afterwards, to the said postmaster or postmasters-general, or their respective deputies at the said General Post Office in London, who are hereby required to make an entry thereof in a proper book for that purpose, and to file and keep such memorandum along with the duplicate of the said acknowledgment, signed by the said messenger as aforesaid, to the intent that the same may be inspected or produced upon all proper occasions, by any person interested in such elections.

By the Great Seal Act, 1874 (37 & 38 Vict. c. 81), the duties of the Messenger of the Great Seal under this Act are transferred to a person to be nominated by the Lord Chancellor from time to time with the approval of the Treasury.

2. And that the said postmasters-general may be duly informed where such officers to whom such writs shall be respectively directed, hold their respective offices for the purposes aforesaid; be it further enacted by the authority aforesaid, That the Chancellor of the County Palatine of Lancaster, the Lord Bishop of Durham, or his temporal Chancellor of the County Palatine of Durham, the Chamberlain of the County Palatine of Chester, the Warden of the Cinque Ports, the sheriffs and stewards of the several cities, counties, and stewartries, and all other persons to whom such writs for the election of members to serve in Parliament ought to be and are

53 Geo. 3, c. 89.

Receipt to
Postmaster.

Receipt filed
at General
Post Office.

Sheriffs, &c.,
to give notice
to the Post-
master-
General of the
place where
they shall
hold their
offices.

53 Geo. 3, c. 89.

Delivery of
Writs.List of offices
at General
Post Office.Delivery at
offices in
London,
Westminster,
Southwark,
and five miles
therefrom.Payment to
messenger for
life, in lieu of
certain fees.All persons
wilfully
neglecting to
deliver writ
guilty of a
misdemeanor.

usually directed, or their respective lieutenants or deputies, shall, within one month after the passing of this Act, severally send up to the said postmasters-general an account of the city, town, or place where they shall hold their respective offices for the purpose aforesaid, specifying in such account such particulars as shall be necessary to ascertain the particular situation of such respective offices, and so from time to time, with all convenient speed, as often as the places for holding such offices shall be changed; and also an account of such general post town or place as shall be nearest to such offices respectively, in case such respective offices shall not be in any general post town or place; and the said postmasters-general shall make or cause to be made a list of such places, and cause the same to be hung up and kept in some public place in the General Post office aforesaid.

By 30 & 31 Vict. c. 102, s. 57 (p. 427), writs to the County Palatine of Lancaster are to issue as to ordinary counties, and by 31 and 32 Vict. c. 58, s. 21 (p. 428), that provision is applied also to the County Palatine of Durham.

By 9 & 10 Vict. c. 44, writs for Cheshire are to be directed to the sheriff of the county, and for Chester to the sheriff of the county of the city.

3. Provided always, and be it further enacted, That in all cases where any such sheriff or other person to whom such writs ought to be directed, shall hold his office within the cities of London or Westminster, or the borough of Southwark, or within five miles thereof, such sheriff or officer shall send such account as aforesaid of the place where he shall hold such office, to the messenger of the Great Seal, instead of the said postmaster-general; and the said messenger or his deputy shall carry all such writs to such office, in like manner as is hereinbefore directed in the case of the sheriffs of London and Middlesex.

[4. Allowances to messengers of Great Seal.—Repealed 37 & 38 Vict. c. 21.]

5. And whereas the messenger of the Great Seal and his deputy have from time to time received certain other fees for the conveyance and upon the delivery of writs for the election of members to serve in Parliament; be it enacted, That all such fees shall utterly cease and determine from the passing of this Act; and that neither the said messenger, nor his deputy, nor any other person, shall receive or take any fee, reward, or gratuity whatsoever, for the conveyance or delivery of any such writ; and that the Lords Commissioners of his Majesty's Treasury shall direct the annual sum of five hundred and twenty pounds to be paid out of the consolidated fund to the present messenger of the Great Seal during the continuance of his life, in compensation for all such fees.

6. And be it further enacted, That every person concerned in the transmitting or delivery of any such writ as aforesaid, who shall wilfully neglect or delay to deliver or transmit any

such writ, or accept any fee, or do any other matter or thing in violation of this Act, shall be guilty of a misdemeanor, and may, upon any conviction upon any indictment or information in his Majesty's Court of King's Bench, be fined and imprisoned at the discretion of the Court for such misdemeanor.

53 Geo. 3, c. 89.

2 Will. 4, c. 45. [Reform Act, 1832.]

2 Will. 4, c. 45.

11. And be it enacted, *That the persons respectively described in the said Schedules (C.) and (D.) shall be the returning officers at all elections of a member or members to serve in Parliament for the boroughs in conjunction with which such persons are respectively mentioned in the said Schedules (C.) and (D.); and that for those boroughs in the said Schedules for which no persons are mentioned in such schedules as returning officers the sheriff for the time being of the county in which such boroughs are respectively situate shall, within two months after the passing of this Act, and in every succeeding respective year in the month of March, by writing under his hand, to be delivered to the clerk of the peace of the county within one week, and to be by such clerk of the peace filed and preserved with the records of his office, nominate and appoint for each of such boroughs a fit person, being resident therein, to be, and such person so nominated and appointed shall accordingly be, the returning officer for each of such boroughs respectively until the nomination to be made in the succeeding March; and in the event of the death of any such person, or of his becoming incapable to act by reason of sickness or other sufficient impediment, the sheriff for the time being shall on notice thereof forthwith nominate and appoint in his stead a fit person, being so resident as aforesaid, to be, and such person so nominated and appointed shall accordingly be, the returning officer for such borough for the remainder of the then current year; and no person, having been so nominated and appointed as returning officer for any borough, shall after the expiration of his office be compellable at any time thereafter to serve again in the said office for the same borough: Provided always, that no person being in holy orders, nor any churchwarden or overseer of the poor within any such borough, shall be nominated or appointed as such returning officer for the same; and that no person nominated and appointed as returning officer for any borough now sending or hereafter to send members to Parliament shall be appointed a churchwarden or overseer of the poor therein during the time for which he shall be such returning officer: Provided also, that no person qualified to be elected to serve as a member in Parliament shall be compellable to serve as returning officer for any borough for which he shall have been nominated and appointed by the sheriff as aforesaid if within*

Returning officers for boroughs.

Nominated by sheriff.

Who disqualified.

Who exempt.

2 Will. 4, c. 45.

Not to apply
to municipal
boroughs.

one week after he shall have received notice of his nomination and appointment as returning officer he shall make oath of such qualification before any justice of the peace, and shall forthwith notify the same to the sheriff: Provided also, that in case his Majesty shall be pleased to grant his royal charter of incorporation to any of the boroughs named in the said Schedules (C.) and (D.) which are not now incorporated, and shall by such charter give power to elect a mayor or other chief municipal officer for any such borough, then and in every such case such mayor or other chief municipal officer for the time being shall be the only returning officer for such borough, and the provisions hereinbefore contained with regard to the nomination and appointment of a returning officer for such borough shall thereafter cease and determine.

This section now provides returning officers for all constituencies except county constituencies and places counties of themselves (see s. 12 of Redistribution Act, 1885). For constituencies being municipal boroughs the mayor is returning officer (see s. 244 of M. C. Act, 1882, p. 465). All the places in Schedules (C.) and (D.), to which returning officers were given by those schedules, are now municipal boroughs.

The words printed in italics are now practically repealed. By s. 12 of the Redistribution Act, 1885, the appointment of returning officers for boroughs by the sheriff of the county is applied to the boroughs constituted under that Act having no mayor (see 4th sched. of that Act), with the modification that the sheriff is to make the appointment "as soon as may be after the passing of that Act" in the case of new boroughs having no returning officer. By subs. 2 of the same section the qualification of residence is repealed, and by subs. 3, when a borough is in more than one county, the sheriff of the county in which the largest part is situated acts.

[12-60. See "Qualification of Electors," Part I.]

Sheriffs of
divided
counties to
fix the time
and preside at
elections.

61. The sheriffs of Yorkshire and Lincolnshire, and the sheriffs of the counties divided by this Act, shall duly cause proclamation to be made of the several days fixed for the election of a knight or knights of the shire for the several ridings, parts, and divisions of their respective counties, and shall preside at the election by themselves or their lawful deputies.

As to the duties of the sheriff in regard to counties divided otherwise than by this Act, see s. 8 of the Ballot Act, 1872 (p. 436). As to counties divided under the Redistribution Act, see s. 9 (p. 250).

[62, 63. Repealed by the Ballot Act.]

Booths at the
polling places
for counties.

64. And be it enacted, That at every contested election for any county, or riding, parts, or division of a county, the sheriff, under sheriff, or sheriff's deputy shall, if required thereto by or on behalf of any candidate, on the day fixed for the election, and if not so required may if it shall appear to him expedient, cause to be erected a reasonable number of booths for taking the poll at the principal place of election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, townships, and places for which such booth is respectively allotted; and no person shall be admitted to vote at any such election in respect

of any property situate in any parish, township, or place, except at the booth so allotted for such parish, township, or place, and if no booth shall be so allotted for the same, then at any of the booths for the same district; and in case any parish, township, or place shall happen not to be included in any of the districts to be appointed, the votes in respect of property situate in any parish, township, or place so omitted shall be taken at the principal place of election for the county, or riding, parts, or division of the county, as the case may be.

2 Will. 4, c. 45.

Voter to poll
at booth for
his district

By s. 37 of the Act of 1867 (p. 425), the returning officer wherever practicable is to have a building or room instead of erecting a booth.

66. In all matters relative to the election of knights or a knight of the shire to serve in any future Parliament for any county, or for any riding, parts, or division of a county, the sheriff of the county, his under sheriff, or any lawful deputy of such sheriff, shall have power to act in all places having any exclusive jurisdiction or privilege whatsoever, in the same manner as such sheriff, under sheriff, or deputy may act within any part of such sheriff's ordinary jurisdiction.

Sheriff in
county elec-
tions may act
in places of
exclusive
jurisdiction.

[67. Repealed by the Ballot Act, 1872.]

68. At every contested election of a member or members to serve in any future Parliament for any city or borough in England, except the borough of Monmouth, the returning officer shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, districts, and parts for which such booth is respectively allotted; and no person shall be admitted to vote at any such election, except at the booth allotted for the parish, district, or part wherein the property may be situate in respect of which he claims to vote, or in case he does not claim to vote in respect of property, then wherein his place of abode as described in the register may be; but in case no booth shall happen to be provided for any particular parish, district, or part as aforesaid, the votes of persons voting in respect of property situate in any parish, district, or part so omitted, or having their place of abode therein, may be taken at any of the said booths, and the votes of freemen residing out of the limits of the city or borough may be taken at any of the said booths; and public notice of the situation, division, and allotment of the different booths shall be given two days before the commencement of the poll by the returning officer: Provided also, that no nomination shall be made or election holden of any member for any city or borough in any church, chapel, or other place of public worship.

Each person
to vote at the
booth ap-
pointed for
his parish or
district.

So much of this section as related to the erection of booths is repealed by the Ballot Act, and by s. 34 of the Representation of the People Act, 1867 (p. 424), the returning officer is to provide one polling booth or room in each polling district, and by s. 37 rooms are to be used instead of booths wherever possible. See also Ballot Act, 1872, s. 8 (p. 436), and Rule 15 of Schedule (p. 442).

2 Will. 4, c. 45.

Closing poll
before the
expiration of
time fixed.Adjournment
in case of riot.

[69. Repealed by the Ballot Act, 1872.]

70. Nothing in this Act contained shall prevent any sheriff or other returning officer, or the lawful deputy of any returning officer, from closing the poll previous to the expiration of the time fixed by this Act, in any case where the same might have been lawfully closed before the passing of this Act; and that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, the sheriff or other returning officer, or the lawful deputy of any returning officer, shall not for such cause finally close the poll, but, in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the poll at such place or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed to take the poll at such place or places; and any day whereon the poll shall have been so adjourned shall not, as to such place or places, be reckoned one of the two days of polling at such election within the meaning of this Act; and wherever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and delivered or transmitted to such sheriff or other returning officer, anything hereinbefore contained to the contrary notwithstanding.

By 48 Vict. c. 10 (p. 515), the hour of closing the poll, both in counties and boroughs, is eight o'clock in the evening. The poll is now on one day only. (See 16 Vict. c. 15, s. 2, for counties (p. 410), and 5 & 6 Will. 4, c. 36, s. 2, (p. 402), for boroughs). See further as to adjourning the poll in case of riot, 5 & 6 Will. 4, c. 38, s. 8 (p. 402).

Candidate, or
persons
proposing
without his
consent, to
pay for booths
and clerks.Limitation of
expense.

Counties.

Boroughs.

71. All booths erected for the convenience of taking polls shall be erected at the joint and equal expense of the several candidates, and the same shall be erected by contract with the candidates, if they shall think fit to make such contract, or if they shall not make such contract, then the same shall be erected by the sheriff or other returning officer at the expense of the several candidates as aforesaid, subject to such limitation as is hereinafter next mentioned; (that is to say,) that the expense to be incurred for the booth or booths to be erected at the principal place of election for any county, riding, parts, or division of a county, or at any of the polling places so to be appointed as aforesaid, shall not exceed the sum of forty pounds in respect of any one such principal place of election or any one such polling place; and that the expense to be incurred for any booth or booths to be erected for any parish, district, or part of any city or borough shall not exceed the sum of twenty-five pounds in respect of any one such parish, district, or part;

Provided always, that if any person shall be proposed without his consent, then the person so proposing him shall be liable to defray his share of the said expenses in like manner as if he had been a candidate.

2 Will. 4, c. 45.

As to the cost of each polling station, see 38 & 39 Vict. c. 84, Sched. 1 (p. 460). By s. 37 of the Representation of the People Act, 1867 (p. 425), rooms instead of booths are to be used wherever practicable.

75. All laws, statutes, and usages now in force respecting the election of members to serve in Parliament for that part of the United Kingdom called England and Wales shall be and remain, and are hereby declared to be and remain, in full force, and shall apply to the election of members to serve in Parliament for all the counties, ridings, parts, and divisions of counties, cities, and boroughs, hereby empowered to return members, as fully and effectually as if the same respectively had heretofore returned members, except so far as any of the said laws, statutes, or usages are repealed or altered by this Act, or are inconsistent with the provisions thereof.

All election laws to remain in force except where superseded by this Act.

76. If any sheriff, returning officer, barrister, overseer, or any person whatsoever shall wilfully contravene or disobey the provisions of this Act or any of them, with respect to any matter or thing which such sheriff, returning officer, barrister, overseer, or other person is hereby required to do, he shall for such his offence be liable to be sued in an action of debt in any of his Majesty's Courts of Record at Westminster for the penal sum of five hundred pounds, and the jury before whom such action shall be tried may find their verdict for the full sum of five hundred pounds, or for any less sum which the said jury shall think it just that he should pay for such his offence; and the defendant in such action, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same: Provided always, that no such action shall be brought except by a person being an elector or claiming to be an elector, or a candidate, or a member actually returned, or other party aggrieved: Provided also, that the remedy hereby given against the returning officer shall not be construed to supersede any remedy or action against him according to the law now in force.

Penalties on officers for breach of duty.

The clause allowing the jury to assess the penalty is very unusual. See for further penalties, 6 Vict. c. 18, s. 97, p. 409. The motive if wilful need not be corrupt (*Fair v. McGashy*, 7 C. & P. 380; *King v. Burrell*, 12 A. & E. 460).

77. All writs to be issued for the election of members to serve in all future Parliaments, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, shall be and the same are hereby authorized to be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

Writs, &c., to conform to this Act.

[78. Act not to extend to Universities of Oxford and Cambridge. Repealed by Act of 1885.]

2 Will. 4, c. 45.

Meaning of
"city or
borough:"

"Returning
officer."

79. Throughout this Act, wherever the words "city or borough," "cities or boroughs," may occur, those words shall be construed to include, except there be something in the subject or context manifestly repugnant to such construction, all towns corporate, cinque ports, districts, or places within England and Wales which shall be entitled after this Act shall have passed to return a member or members to serve in Parliament, other than counties at large, and ridings, parts, and divisions of counties at large, and shall also include the town of Berwick-upon-Tweed; and the words "returning officer" shall apply to every person or persons to whom, by virtue of his or their office, either under the present Act, or under any former law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called.

5 & 6 Will. 4,
c. 36.

One day's
polling for
boroughs.

5 & 6 Will. 4, c. 36.

[1. Repealed by the Ballot Act, 1872.]

2. And be it further enacted, That at every contested election of a member or members to serve in Parliament for any city, borough, or town, or county of a city or county of a town, the polling shall commence at eight of the clock in the forenoon; and the polling shall continue during such one day only; and no poll shall be kept open later than four of the clock in the afternoon.

By the Hours of Poll Act, 1885 (p. 515), the time is extended to eight in the afternoon.

[3-6. Repealed by the Ballot Act, 1872.]

Liverymen of
London vote at
the booth for
district where
such premises
are situate.

7. And be it further enacted, That such of the freemen of the city of London, being liverymen, as are or shall be entitled to vote in the election of members to serve in any future Parliament for the city of London in the Guildhall, and who are or shall be also entitled to vote in such election as owner or tenant of premises in such city, shall be entitled to vote at any such election at the booth or place appointed for the parish, district, or part wherein the property may be situate in respect of which he is so entitled to vote as aforesaid; and that such vote shall be entered in the poll books either as the vote of a liveryman, or as owner or tenant, as the person so voting shall direct.

By s. 92 of the Registration Act, 1843 (p. 407), the poll of liverymen is to take place in the Guildhall, and this section is now practically obsolete.

Adjournment
of nomination
or of poll in
case of riot.

8. And be it enacted, That where the proceedings at any election shall be interrupted or obstructed by any riot, or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking the poll, the sheriff or other returning officer, or the lawful deputy of any returning officer,

shall not for such cause terminate the business of such nomination, nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the poll shall be regulated accordingly; and any day whereon the poll shall have been so adjourned shall not as to such place or places be reckoned the day of polling at such election, within the meaning of this Act; and whenever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and the poll books delivered or transmitted to such sheriff or other returning officer, anything hereinbefore or in any other statute to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize the adjournment to a Sunday; but that in every case in which the day to which the adjournment would otherwise be made shall happen to be a Sunday, Good Friday, or Christmas Day, that day or days shall be passed over, and the following shall be the day to which the adjournment shall be made.

5 & 6 Will. 4,
c. 36.

6 Vict. c. 18. [Registration Act, 1843.]

6 Vict. c. 18.

[For remaining sections of this Act, see Part II., "Registration of Electors."]

79. And be it enacted, That at every future election for a member or members to serve in Parliament for any county, city, or borough, the register of voters so made as aforesaid shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at such election.

Register to be
conclusive as to
continuance of
qualification.

As to non-registration being conclusive against the right to vote, see Ballot Act, 1872, s. 7 (p. 435).

80. And whereas by the said first-recited Act it is enacted, That certain questions might be put to every voter at the time of his tendering his vote in any election: and whereas it is expedient that all the provisions contained in the said recited

Clause as to
putting
questions at
the poll
repealed.

6 Vict. c. 18.

Questions to
Voter at the
Poll.

Act touching and concerning the said questions, and administering and taking of any oath at the time of polling, should be repealed, and other provisions be enacted in lieu thereof: be it therefore enacted, That the said provisions shall be and the same are hereby repealed.

The recited Act is the Reform Act, 1832, which by s. 58 allowed questions as to the identity of the voter, the continuance of his qualification, and whether he had voted before.

Inquiry as to
identity of the
voter, and
whether he
has already
voted.

81. And be it enacted, That in all elections whatever of a member or members to serve in Parliament for any county, riding, parts or division of a county, or for any city or borough in England or Wales, or the town of Berwick-upon-Tweed, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; (that is to say,) that the returning officer or his respective deputy shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or either of them:

1. Are you the same person whose name appears as *A. B.* on the register of voters now in force for the county of riding, parts, or
[or for the division of the county of],
or for the city [or borough] of [as the case may be]?
2. Have you already voted, either here or elsewhere, at this election for the county of [or for the
riding, parts, or division of the county of],
or for the city [or borough] of [as the case may be]?

And if any person shall wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanor, and shall and may be indicted and punished accordingly; and the returning officer or his deputy, or a commissioner or commissioners to be for that purpose by law appointed, shall, if required on behalf of any candidate at the time aforesaid, administer an oath to any voter in the following form:

Oath to be
taken, if
required.

‘ You do swear [or affirm, *as the case may be*], that you are
‘ the same person whose name appears as *A. B.* on the register
‘ of voters now in force for the county of or for
‘ the riding, parts, or division of
‘ the county of or for the city or borough of
‘ [as the case may be], and that you have not
‘ before voted, either here or elsewhere, at the present election
‘ for the county of [or for the
‘ riding, parts, or division of the county of
‘] or for the city or borough of
‘ [as the case may be].

So help you GOD.’

The Act 32 & 33 Vict. c. 68, allowing persons incompetent to take an oath, to make a promise and declaration, seems to apply, as the returning officer or his deputy would appear to be "a person having by law authority to administer an oath for the taking of evidence" within the amending Act 33 & 34 Vict. c. 49, s. 1.

6 Vict. c. 18.

82. And be it enacted, That save as aforesaid, it shall not be lawful to require any voter at any election whatever of a member or members to serve in Parliament to take any oath or affirmation, either in proof of his freehold, or of his residence, age, or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; nor to reject any vote tendered at such election by any person whose name shall be upon the register of voters in force for the time being, except by reason of its appearing to the returning officer or his deputy, upon putting such questions as aforesaid, or either of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he had previously voted at the same election, or except by reason of such person refusing to answer the said questions or either of them, or to take the said oath, or make the said affirmation, or to take or make the oath or affirmation against bribery; and no scrutiny shall hereafter be allowed by or before any returning officer with regard to any vote given or tendered at any such election; any law, statute, or usage to the contrary notwithstanding.

No other oaths to be taken.

No scrutiny before returning officer.

There may, however, be a scrutiny before the judges.

[83, 84. Persons personating voters to be guilty of a misdemeanor. Aiders and abettors to be punished as principals. Repealed by Ballot Act, 1872. See now s. 24 of that Act, p. 438.]

85. And for the more effectual detection of the personation of voters at elections, be it enacted, That it shall be lawful for any candidate, at any election of a member or members to serve in Parliament for any county, city, or borough, previous to the time fixed for taking the poll at such election, to nominate and appoint an agent or agents on his behalf to attend at each or any of the booths appointed for taking the poll at such election, for the purpose of detecting personation; and such candidate shall give notice in writing to the returning officer, or his respective deputy, of the name and address of the person or persons so appointed by him to act as agents for such purpose; and thereupon it shall be lawful for every such agent to attend during the time of polling at the booth or booths for which he shall have been so appointed.

Personation agents.

For definition of personation, see s. 24 of the Ballot Act, 1872 (p. 438).

86. If at the time any person tenders his vote at such election, or after he has voted, and before he leaves the polling booth, any such agent so appointed as aforesaid shall declare to the returning officer, or his respective deputy, presiding therein, that he verily believes, and undertakes to prove, that the said

Apprehension of persons charged with personation.

6 Vict. c. 18,
ss. 86-88.

Personation.

Saving for
vote.

Persons
charged with
personation
to be taken
before two
justices.

Bail to be
taken in
certain cases.

Justices
satisfied of
personation
are to com-
mit for trial.

person so voting is not in fact the person in whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for the said returning officer, or his said deputy, and he is hereby required, immediately after such person shall have voted, by word of mouth to order any constable or other peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing: Provided always, that nothing herein contained shall be construed or taken to authorize any returning officer, or his deputy, to reject the vote of any person who shall answer in the affirmative the questions authorized by this Act to be put to him at the time of polling, and shall take the oaths or make the affirmations authorized and required of him; but the said returning officer, or his deputy, shall cause the words, "Protested against for personation," to be placed against the vote of the person so charged with personation when entered in the poll book.

87. And be it enacted, That every such constable or peace officer shall take the person so in his custody, at the earliest convenient time, before some two justices of the peace acting in and for the county, city, or borough within which the said person shall have so voted as aforesaid; Provided always, that in case the attendance of two such justices as aforesaid cannot be procured within the space of three hours after the close of the poll on the same day on which such person shall have been so taken into custody, it shall be lawful for the said constable or peace officer, and he is hereby required, at the request of such person so in his custody, to take him before any one justice of the peace acting as aforesaid, and such justice is hereby authorized and required to liberate such person on his entering into a recognizance, with one sufficient surety, conditioned to appear before any two such justices as aforesaid, at a time and place to be specified in such recognizance, to answer the said charge; and if no such justice shall be found within four hours after the closing of the said poll, then such person shall forthwith be discharged from custody: Provided also, that if in consequence of the absence of such justices as aforesaid, or for any other cause, the said charge cannot be inquired into within the time aforesaid, it shall be lawful nevertheless for any two such justices as aforesaid to inquire into the same on the next or on some other subsequent day, and if necessary, to issue their warrant for the apprehension of the person so charged.

88. And be it enacted, That if on the hearing of the said charge the said two justices shall be satisfied, upon the evidence on oath of not less than two credible witnesses, that the said person so brought before them has knowingly personated and falsely assumed to vote in the name of some other person within the meaning of this Act, and is not in fact the person in whose name he voted, then it shall be lawful for the said two justices

to commit the said offender to the gaol of the county, city, or borough within which the offence was committed, to take his trial according to law, and to bind over the witnesses in their respective recognizances to appear and give evidence on such trial as in the case of other misdemeanors.

6 Vict. c. 18.

89. And be it enacted, That if the said justices shall on the hearing of the said charge be satisfied that the said person so charged with personation is really and in truth the person in whose name he voted and that the charge of personation has been made against him without reasonable or just cause, or if the agent so declaring as aforesaid, or some one on his behalf, shall not appear to support such charge before the said justices, then it shall be lawful for the said justices and they are hereby required to make an order in writing under their hands on the said agent so declaring as aforesaid, to pay to the said person so falsely charged, if he shall consent to accept the same, any sum not exceeding the sum of ten pounds nor less than five pounds, by way of damages and costs; and if the said sum shall not be paid within twenty-four hours after such order shall have been made, then the same shall be levied, by warrant under the hand and seal of any justice of the peace acting as aforesaid, by distress and sale of the goods and chattels of the said agent; and in case no sufficient goods or chattels of the said agent can be found on which such levy can be made, then the same shall be levied in like manner on the goods and chattels of the candidate by whom such agent was so appointed to act; and in case the said sum shall not be paid or levied in the manner aforesaid, then it shall be lawful for the said person to whom the said sum of money was so ordered to be paid to recover the same from the said agent or candidate, with full costs of suit, in an action of debt to be brought in any one of her Majesty's Superior Courts of Record at Westminster: Provided always, that if the person so falsely charged shall have declared to the said justices his consent to accept such sum as aforesaid by way of damages and costs, and if the whole amount of the sum so ordered to be paid shall have been paid or tendered to such person, in every such case, but not otherwise, the said agent, candidate, and every other person shall be released from all actions or other proceedings, civil or criminal, for or in respect of the said charge and apprehension.

If justices satisfied that charge unfounded, they are to order compensation.

If compensation, no action.

90. It shall and may be lawful for the high sheriff of any county, and for the mayor or returning officer of any city or borough, and he and they are hereby required for the purposes aforesaid, to provide a sufficient attendance of constables or peace officers in each booth at the different polling places within their respective counties, cities, or boroughs.

Sheriffs and returning officers to provide constables.

[91. Repealed by Ballot Act, 1872.]

92. In the city of London the returning officer or officers shall take the poll or votes of such freemen of the said city,

Liverymen of London to poll in the Guildhall.

6 Vict. c. 18.

being liverymen of the several companies, as are entitled to vote at such election, in the Guildhall of the said city, and shall not be required to provide for them any booth or compartment, but shall take one poll for the whole number of such liverymen at the same place.

Safe custody of
poll books.

93. And whereas it is enacted by the said-recited Act, That at every contested election for any county, riding, or division of a county, city, or borough in England, except the borough of Monmouth, the sheriff, under sheriff, or returning officer should, on the day therein mentioned, after the close of the poll, openly break the seals on the several poll books, and cast up the number of votes as they appear on the said several books, and openly declare the state of the poll, and make proclamation of the member or members chosen, not later than the time therein mentioned; and whereas no adequate provision has been made for the safe custody and production of the said poll books subsequent to such declaration of the poll and proclamation of the members chosen at any contested election, in consequence whereof great mischief and expense have arisen in cases of disputed returns of members to serve in Parliament: be it therefore enacted, That at every contested election of a member or members to serve in Parliament for any county, riding, parts or division of a county, or for any city or borough in England or Wales, or for the town of Berwick-upon-Tweed, the sheriff, under sheriff, or returning officer, after having declared the state of the poll, and made proclamation of the member or members chosen to serve in Parliament in the manner provided for by the said hereinbefore in part recited Act, shall forthwith enclose and seal up the several poll books, and tender the same to each of the candidates, to be sealed by them respectively; and in case any candidate shall neglect or refuse to seal the same, the sheriff, under sheriff, or returning officer, shall thereupon indorse on one of the said poll books the fact of such neglect or refusal; and every such sheriff, under sheriff, or other returning officer shall, by himself or his agent, as soon as possible after such proclamation as aforesaid, deliver the said poll books, so sealed as aforesaid, to the clerk of the Crown in the High Court of Chancery, or his deputy, or deliver the same, directed to the said clerk of the Crown, to the postmaster or deputy postmaster of the city, town, or place wherein such proclamation shall have been made as aforesaid, who on receipt thereof shall give an acknowledgment in writing of such receipt to such sheriff, under sheriff, or returning officer, expressing therein the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by such sheriff, under sheriff, or returning officer; and the said postmaster or deputy postmaster shall dispatch all such poll books, so sealed and directed as aforesaid, by the first post or mail after the receipt thereof, to the General Post Office in London; and the postmaster or postmasters general are hereby directed, im-

Sealing books.

Forwarding to
Clerk of
Crown.

mediately on receipt of such poll books, to convey the same to the Crown Office, and to deliver the same there, so sealed as aforesaid, to the said clerk of the Crown or his deputy; and the said clerk of the Crown or his deputy is hereby required to give to such postmaster or postmasters general, sheriff, under sheriff, returning officer, or agent delivering the same, a memorandum in writing, acknowledging the receipt of such poll books, and setting forth the day and hour when the same were delivered at the Crown Office; and the said clerk of the Crown or his deputy is hereby required, immediately on receipt of such poll books, to register the same in the books of the said Crown Office, and to endorse thereon the day and hour upon which he received the same; and every such sheriff, under sheriff, or returning officer is hereby required at the time of transmitting such poll books as aforesaid through the post office, to address and forward a letter by the same post or mail to the said clerk of the Crown, informing him of such transmission, and giving the number and description of such poll books so transmitted.

6 Vict. c. 18.

See Rule 38 of Ballot Act, 1872, p. 446, *post*, for the application of this section to the new mode of voting.

97. Every sheriff, under sheriff, clerk of the peace, town clerk, secondary, returning officer, clerk of the Crown, postmaster, overseer, or other person, or public officer, required by this Act to do any matter or thing, shall for every wilful misfeasance, or wilful act of commission or omission contrary to this Act, forfeit to any party aggrieved the penal sum of one hundred pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party, with full costs of suit, by action for debt in any of her Majesty's Superior Courts at Westminster: Provided always, that nothing herein contained shall be construed to supersede any remedy or action against any returning officer according to any law now in force.

Parties wilfully contravening the Act liable to action.

See s. 61 of the Corrupt Practices Act, 1883, p. 500, for the extension of the section to registration officers.

[101. Interpretation Clause, see p. 113, *ante*.]

10 Vict. c. 21. An Act to regulate the Stations of Soldiers during Parliamentary Elections.

10 Vict. c. 21.

[23rd July, 1854.]

[1. Repeal of 8 Geo. 2, c. 30.]

2. And be it enacted, that on every day appointed for the nomination or for the election or for taking the poll for the election of a member or members to serve in the Commons House of Parliament no soldier within two miles of any city, borough, town, or place where such nomination or election shall be declared or poll taken shall be allowed to go out of the

Soldiers to remain in quarters during elections.

10 Vict. c. 21.

Soldiers at Elections.

Vote.

Notice of elections to be given by the Clerk of the Crown to Secretary at War, &c.

Saving for guards attending her Majesty.

15 & 16 Vict. c. 23.

Thirty-five days between proclamation and meeting of Parliament.

* p. 390.

16 Vict. c. 15, ss. 2, 3.

One day's polling in counties.

barrack or quarters in which he is stationed, unless for the purpose of mounting or relieving guard, or for giving his vote at such election: and that every soldier allowed to go out for any such purpose within the limits aforesaid shall return to his barrack or quarters with all convenient speed as soon as his guard shall have been relieved or vote tendered.

3. And be it enacted, That when and so often as any election of any member or members to serve in the Commons House of Parliament shall be appointed to be made, the Clerk of the Crown in Chancery or other officer making out any new writ for such election shall, with all convenient speed after making out the said writ, give notice thereof to the Secretary at War, or in case there shall be no Secretary at War to the person officiating in his stead, who shall, at some convenient time before the day appointed for such election, give notice thereof in writing to the general officer commanding in each district of Great Britain, who shall thereupon give the necessary orders for enforcing the execution of this Act in all places under his command.

By 26 Vict. c. 12 the office of Secretary at War is abolished, and the duties under this, among numerous other Acts, transferred to the Secretary of State for War.

4. Provided always, and be it enacted, That nothing in this Act contained shall be deemed to apply to any soldiers attending as the guards of her Majesty or any person of the Royal Family, or to the soldiers usually stationed or employed within the Bank of England.

15 & 16 Vict. c. 23.

So often as her Majesty shall by her royal proclamation appoint a time for the first meeting of the Parliament of the united kingdom of Great Britain and Ireland after a dissolution thereof, the time so to be appointed may be any time not less than thirty-five days after the date of such proclamation, the Act of the fifth year of Queen Anne, c. 8, or the Act of the seventh and eighth years of William the Third, c. 25,* or any other law or usage notwithstanding.

16 Vict. c. 15, ss. 2, 3.

2. At every contested election of a knight or knights to serve in any Parliament after the 31st October, 1853, for any county, or for any riding, parts, or division of a county, the polling shall continue for one day only, and the polling shall commence at eight o'clock in the morning and be kept open until five in the afternoon of such day.

The rest of this section is repealed by the Ballot Act, 1872. The time is now extended to eight o'clock in the evening (48 Vict. s. 10, p. 515).

3. The provisions concerning the adjournment of the poll in the case of riot or open violence, and other the provisions of s. 70 of the Act 2 & 3 Will. 4, c. 45,* shall be and remain applicable to every such contested election as aforesaid as if the said section were re-enacted in this Act, the words "the day of polling" being substituted therein for the words "one of the two days of polling."

16 Vict. c. 15,
ss. 2, 3.

Adjournment
of poll.

* p. 400.

16 & 17 Vict. c. 68.

1. The writ for any election hereafter to be directed to the sheriff of any county in England or Wales (other than the county of a city or of a town) shall require such sheriff to cause election to be made of a knight or knights to serve in Parliament for such county, and for any riding, parts or division thereof only, and not further or otherwise; the writ for making any election of a member or members to serve in Parliament for the Universities of Oxford and Cambridge and for every borough, town corporate, port, or place returning members to serve in Parliament in England and Wales shall hereafter be directed to the Vice-Chancellor of the said Universities, and to the returning officers of such boroughs, towns corporate, ports and places respectively, and such Vice-Chancellors and returning officers shall thereupon in due course of law proceed to election, and after such election certify the same together with the writ according to the directions thereof; all such writs hereafter to be issued, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs shall be, and the same are hereby authorized to be framed and expressed in such manner and form as may be necessary for carrying the provisions of this Act into effect.

16 & 17 Vict.
c. 68.

Direction in
writs to sheriffs
of counties.

Writs to
boroughs and
Universities to
be directed to
returning
officers.

4. At any election of a member or members to serve in Parliament for either of the Universities of Oxford and Cambridge the polling shall not continue for more than five days at the most, Sunday, Christmas Day, Good Friday, and Ascension Day being excluded.

Duration of
poll at Oxford
and Cambridge.

5. At every such election the Vice-Chancellor shall have power to appoint any number of polling places not exceeding three in addition to the House of Convocation or Senate House, and to direct at which of such polling places the members of Convocation and of the Senate according to their colleges shall vote, and also to appoint any number of pro vice-chancellors, any one of whom may receive the votes and decide upon all questions during the absence of such Vice-Chancellor; and such Vice-Chancellor shall have power to appoint any number of poll clerks and other officers, by one or more of whom the votes shall be entered in such number of poll books as shall be judged necessary by such Vice-Chancellor.

Polling sta-
tions at Oxford
and Cambridge.

16 & 17 Vict.
c. 68.

Polling in
public houses.

6. No poll at any election for members of Parliament in England and Wales shall be taken at any inn, hotel, tavern, public house, or other premises licensed for the sale of beer, wine, or spirits, or in any booth, hall, room, or other place directly communicating therewith, unless by consent of all the candidates expressed in writing.

17 & 18 Vict.
c. 57.

17 & 18 Vict. c. 57. An Act to amend the Law relating to the Appointment of Returning Officers in certain cases. [31st July, 1854.]

“Whereas by an Act passed in the session of Parliament holden in the sixteenth and seventeenth years of the reign of her present Majesty, chapter sixty eight, it is amongst other things enacted, that the writ for making any election of a member to serve in Parliament for any borough, town corporate, port, or place returning members to serve in Parliament in England and Wales shall thereafter be directed to the returning officer of such borough, town corporate, port or place respectively: And whereas by another Act passed in the session of Parliament holden in the sixth and seventh years of his late Majesty, chapter one hundred and one, it was amongst other things enacted, that if at any time during which any precept ought to be issued or other Act done by or with regard to the returning officer for any city, borough, or town, the office of returning officer shall happen to be vacant, it shall be lawful for the sheriff of the county in which such city, borough, or town is situate, by writing under his hand to appoint some fit person as his deputy to perform the duties of returning officer during such vacancy: And whereas difficulties and delay may arise in the appointment of such sufficient deputy, in the case of a vacancy in the office of returning officer, by reason of the writ being directed to such returning officer, and there being no person qualified to receive and execute the same:” BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sheriff to be
returning
officer in
boroughs
where the
office of
returning
officer shall
be vacant.

1. Every writ for making any election of a member to serve in Parliament for any borough, city, or town shall be directed to the returning officer of the said borough or his deputy, and in their absence to the sheriff of the county in which the said city, borough, or town is situate; and in all cases whatever, whenever there shall be, either from temporary vacancy or from some other cause, no person duly qualified in any borough, city, or town to perform the duties of a returning officer for the same, the sheriff of the county in which such borough, city, or town is situate shall be charged with the execution of the said

writ, and shall execute the same and in all respects perform the duties of and incidental to the office of returning officer: Provided always, that it shall not be lawful for the said sheriff to receive or execute the writ except when there shall be no person within the said borough, city, or town legally qualified and competent as returning officer to execute the same.

17 & 18 Vict.
c. 57.

17 & 18 Vict. c. 102.

CORRUPT PRACTICES PREVENTION ACT, 1854.

17 & 18 Vict.
c. 102.

An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament. [10th August, 1854.]

“Whereas the law now in force for preventing corrupt practices in the election of members to serve in Parliament have been found insufficient: And whereas it is expedient to consolidate and amend such laws, and to make further provision for securing the freedom of such elections: BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

[1. Repealed by the Corrupt Practices Act, 1883.]

2. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :

Bribery by
bribers.

1. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election :

Giving money
or value to
voter.

2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce such voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election :

Procuring
place for voter.

3. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift,

Gift or promise
for procuring
votes.

17 & 18 Vict.
c. 102.

Bribery defined.

Procuring
votes for gift
or promise.

Providing
money for
bribery or re-
paying money
expended.

Saving for
legal expenses.

loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in Parliament, or the vote of any voter at any election :

4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election :

5. Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election :

Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bond fide* incurred at or concerning any election.

The punishments are provided by ss. 4-6 of the Corrupt Practices Act, 1883, p. 468. This section and the next are repeated for purposes of Consolidation in Sched. 3, Part III., of the Corrupt Practices Act, 1883, p. 511.

Travelling Expenses.] A letter to a voter asking him to come from a distance to vote, and adding, "your expenses will be paid," was held by the House of Lords evidence of bribery under subs. 1 (*Cooper v. Slade*, 6 E. & B. 447; 27 L. J. Q. B. 449).

By 21 & 22 Vict. c. 87, conveyance for voters was allowed to be provided by s. 36 of the Representation of the People, 1867, payment of money on account of conveying a voter to the poll was forbidden in boroughs, with certain exceptions, which were repealed in 1880, but by the Corrupt Practices Act, 1883, 21 & 22 Vict. c. 87, was repealed, and by s. 7 (p. 469), payments for the conveyance of electors are illegal; s. 48 of that Act, however, making an exception for the conveyance of voters by sea. Giving a holiday to work-people and paying their wages was held to amount to bribery in *Truscott v. Bevan*, 44 L. T. 64, and so remunerating a voter for loss of time (*Simpson v. Yeend*, L. R. 4 Q. B. 626, 38 L. J. Q. B. 313), but not hiring voters to preserve the peace. A corrupt offer of a valueless thing may be bribery (*Spencer v. Harrison*, 44 L. T. 483), and whether the voter votes according to the bribe is immaterial (*Sulston v. Norton*, 3 Burr 1235), as also whether he has a vote if he is believed to have one (*Lilley v. Corne*, 1 Selw. N. P. 650 n.).

Bribery by
bribed.

Receiving at
or before elec-
tion, gift, &c.,
for vote.

After election.

3. The following persons shall also be deemed guilty of bribery and shall be punishable accordingly :

1. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election :

2. Every person who shall, after any election, directly or

indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting, at any election.

17 & 18 Vict.
c. 102.

[4. Treating.—Repealed by the Corrupt Practices Act, 1883. For substitution, see p. 466.]

[5. Undue influence.—Repealed by the Corrupt Practices Act, 1883.]

[6. Repealed by the Corrupt Practices Act, 1883.]

7. No candidate before, during, or after any election shall in regard to such election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such election, or to or for any inhabitant of the county, city, borough, or place for which such election is had, any cockade, ribbon, or other mark of distinction; and every person so giving or providing shall for every such offence forfeit the sum of two pounds to such person as shall sue for the same, together with full costs of suit.

No cockades,
&c., to be
given at
elections.

Penalty.

By s. 16 of the Act of 1883, p. 473, payments for cockades, ribbons, or other marks of distinction, are forbidden, and payments therefor are made illegal payments.

8. No person having a right to vote at the election for any county, city, borough, or other place shall be liable or compelled to serve as a special constable at or during any election for a member or members to serve in Parliament for such county, city, borough, or other place, unless he shall consent so to act; and he shall not be liable to any fine, penalty, or punishment whatever for refusing so to act, any statute, law, or usage to the contrary notwithstanding.

Voters need
not serve as
special
constables
during
elections.

[9. Repealed by the Corrupt Practices Act, 1883.]

10. It shall be lawful for any criminal court, before which any prosecution shall be instituted for any offence against the provisions of this Act, to order payment to the prosecutor of such costs and expenses as to the said court shall appear to have been reasonably incurred in and about the conduct of such prosecution: Provided always, that no indictment for bribery or undue influence shall be triable before any court of quarter sessions.

Costs and
expenses of
prosecutions.

[11. Returning officer to give notice of election.—Repealed by the Ballot Act, 1872.]

12. In case of any indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which such judgment shall be given.

Costs from
prosecutor to
successful
defendant.

17 & 18 Vict.
c. 102.

Prosecutor to
enter into
recognizance
to prosecute
and pay costs.

13. It shall not be lawful for any court to order payment of the costs of a prosecution for any offence against the provisions of this Act, unless the prosecutor shall, before or upon the finding of the indictment or the granting of the information, enter into a recognizance, with two sufficient sureties, in the sum of two hundred pounds (to be acknowledged in like manner as is now required in cases of writs of certiorari awarded at the instance of a defendant in an indictment), with the conditions following; that is to say, that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs.

[14. Limitation of actions.—Repealed by the Corrupt Practices Act, 1883.]

[15–22. Repealed by the Corrupt Practices Act, 1863.]

[23. Refreshments.—Repealed by the Corrupt Practices Act, 1883.]

[24–32. Repealed by the Corrupt Practices Act, 1863.]

Payments
before passing
of Act.

33. If any candidate at any election, or any member hereafter returned to serve in Parliament, shall before the passing of this Act have paid any money for or in respect of any election hereafter to be held, or any expenses thereof, such person shall, to the best of his ability, deliver a full, true, and particular account of such payment or payments to the election auditor.

[34. Repealed by the Corrupt Practices Act, 1863.]

In actions
for penalties,
parties, &c., to
be competent
witnesses.

35. On the trial of any action for recovery of any pecuniary penalty under this Act, the parties to such action, and the husbands and wives of such parties respectively, shall be competent and compellable to give evidence in the same manner as parties, and their husbands and wives, are competent and compellable to give evidence in actions and suits under the Act of the fourteenth and fifteenth Victoria, chapter ninety-nine, and “The Evidence Amendment Act, 1853,” but subject to and with the exceptions contained in such several Acts: Provided always, that any such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party giving it.

For similar provision, see s. 53, subs. (2), of the Act of 1883, p. 497.

[36. Repealed by the Corrupt Practices Act, 1883.]

Short title.

37. In citing this Act in any instrument, document, or proceeding, or for any purpose whatsoever, it shall be sufficient to use the expression “The Corrupt Practices Prevention Act, 1854.”

Interpretation
of terms.

38. Throughout this Act, in the construction thereof, except there may be something in the subject or context repugnant to such construction, the word “county” shall extend to and mean any county, riding, parts, or division of a county, stewardry, or combined counties respectively returning a member or members to serve in Parliament; and the words

“city or borough” shall mean any university, city, borough, town corporate, county of a city, county of a town, cinque port, district of burghs, or other place or combination of places (not being a county as hereinbefore defined) returning a member or members to serve in Parliament; and the word “election” shall mean the election of any member or members to serve in Parliament; and the words “returning officer” shall apply to any person or persons to whom, by virtue of his or their office under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called; and the words “revising barrister” shall extend to and include an assistant barrister and chairman, presiding in any court held for the revision of the list of voters or his deputy in Ireland, and a sheriff or sheriff’s court of appeal in Scotland, and every other person whose duty it may be to hold a court for the revision and correction of the list or registers of voters in any part of the United Kingdom; and the word “voter” shall mean any person who has or claims to have a right to vote in the election of a member or members to serve in Parliament; and the words “candidate at an election” shall include all persons elected as members to serve in Parliament at such election, and all persons nominated as candidates, or who shall have declared themselves candidates at or before such election.

17 & 18 Vict.
c. 102

21 & 22 Vict. c. 110. An Act to extend the Act of the Twenty-fourth Year of King George the Third, chapter Twenty-six, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment.
[2nd August, 1858.]

21 & 22 Vict.
c. 110.

“Whereas provision is made by the twenty-fourth of George the Third, chapter twenty-six, for the issuing of writs by warrant of the Speaker of the House of Commons during any recess of the said House, whether by prorogation or adjournment: And whereas the said Act has been found advantageous to the public, by causing speedy elections, and it is expedient that the provisions thereof be further extended:” BE IT THEREFORE ENACTED as follows:

1. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons for the time being, during any recess of the House as aforesaid, to issue his warrant to the Clerk of the Crown to make out a new writ for election of a member of the House in the room of any member who has, since such adjournment or prorogation, accepted any office whereby he has, either by the express provision of any Act of Parliament or by any previous determination of the House of

Warrants for
new writs in
the room of
members
accepting
certain offices.

21 & 22 Vict.
c. 110.

Commons, vacated his seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a notice thereof, together with a copy of the Gazette, shall have been sent to the Speaker by a certificate under the hands of two members of the House of Commons, according to the form in the schedule to this Act annexed, or to the like effect.

For the Act recited, see p. 391. This Act extends to the case of members accepting office during recess. the procedure of the recited Act in regard to members dying or becoming peers.

Members
accepting
office to notify
the same to
the Speaker.

2. Provided always, That any member of the House of Commons accepting any such office as aforesaid shall forthwith notify his acceptance thereof to the Speaker, either by writing under the hand of such member or by his countersigning the said certificate relating to such acceptance, and the Speaker shall not issue his warrant in pursuance of this Act without having received such notification, and until fourteen days after he shall have caused notice of his having received such certificate and notification to be inserted in the *London Gazette*.

The fourteen days reduced to six by 26 Vict. c. 20, s. 1, p. 423.

If case
appears to the
Speaker doubt-
ful, warrant
not to issue.

3. Provided always, That in any case in which it shall appear to the Speaker to be doubtful whether the acceptance of any office which has been certified to him as aforesaid has the effect of vacating the seat of the person so appointed, it shall be lawful for the said Speaker, instead of issuing his warrant in pursuance of this Act, to reserve such question for the decision of the House.

Act not to
apply to
certain offices.

4. Provided always, That this Act shall not in any way apply to the acceptance of any of the following offices; that is to say, the office of steward or bailiff of her Majesty's three (Hilern Hundreds of Stoke, Desborough, and Bonenham, or of the manor of East Hendred, or of the manor of Northstead, or of the manor of Hempholme, or of Escheator of Munster.

24 Geo. 3, c.
26, to apply to
this Act.

5. All the other provisions of the said recited Act shall be applicable to the cases provided for in this Act.

Short title.

6. This Act may be cited as the "Election of Members during Recess Act, 1858."

SCHEDULE.

WE, whose names are underwritten, being two members of the House of Commons, do hereby certify that *M.P.*, late a member of the said House, serving as one of the knights of the shire for the county of [or as the case may be], has accepted the office of Member of the Council for India [or as the case may be], and has been gazetted thereto in the *Gazette*, dated the day of , and has thereby vacated his seat; and we give you this notice, to the intent that you may issue your warrant to the Clerk of the Crown to make out a new writ for the election of a knight

to serve in Parliament for the said county of
may be], in the room of the said *M.P.*

[*or as the case* 21 & 22 Vict.
c. 110.

Given under our hands this day of

A.B
C.D.

*To the Speaker of the
House of Commons.*

24 & 25 Vict. c. 53. An Act to provide that Votes at
Elections for the Universities may be recorded by means
of Voting Papers. [1st August, 1861.

24 & 25 Vict.
c. 53.

“Whereas it is expedient to afford greater facilities for voting
to the electors at elections for burghesses to serve in Parliament
for the Universities of Oxford, Cambridge, and Dublin :” BE IT
ENACTED as follows :

1. It shall be lawful for such electors, in lieu of attending to
vote in person, to nominate any other elector or electors of the
same university, competent to make the declaration hereinafter
mentioned, to deliver for them at the poll voting papers con-
taining their votes, as by this Act provided. Every such voting
paper shall bear date subsequently to notice given by the re-
turning officer of the day for proceeding to election, and shall
contain the name or names of the candidate or candidates
thereby voted for, and the name or names of the elector or
electors authorized on behalf of the voter to tender such voting
paper at the poll, and shall be according to the form or to the
effect prescribed in the schedule to this Act annexed. Such
voting paper, the aforesaid date and names being previously
filled in, shall, on any day subsequent to notice given by the
returning officer of the day for proceeding to election, be signed
by the voter in the presence of a justice of the peace for the
county or borough in which such voter shall be then residing ;
and the said justice shall certify and attest the fact of such voting
paper having been so signed in his presence, by signing at the
foot thereof a certificate or attestation in the form or to the
effect prescribed in the said schedule, with his name and address
in full, and shall state his quality as a justice of the peace for
such county or borough.

Electors to
vote by means
of voting
papers.

By the Representation of the People Act, 1867, s. 45 (p. 426), this Act is
extended to London University. The four preceding sections of the same
Act provide a returning officer and registrar for polling at that University.

2. The voting paper, signed and certified as aforesaid, may
be delivered to the vice-chancellor of the university for which the
election is held, or to any pro vice-chancellor appointed by him,
or, in the case of the university of Dublin, to the provost of
Trinity College, or to any person lawfully deputed to act for
him, at any one of the appointed polling places, during the ap-
pointed hours of polling, by any one of the persons therein

Voting paper
to be read,
and votes
recorded.

24 & 25 Vict.
c. 53.

*University
Elections.*

nominated in that behalf, who shall, on tendering such voting paper at the poll, read out the same; and the said vice-chancellor, pro vice-chancellor, provost, or deputy shall receive the voting papers as the same shall be delivered, and shall cause the votes thereby given, or such of them as may not appear to be contrary to the provisions of this Act, to be recorded in the manner heretofore used, in all respects as if such votes had been given by the electors attending in person; and all votes so recorded shall have the same validity and effect as if they had been duly given by the voters in person: Provided always, that no person shall be entitled to sign or vote by more than one voting paper at any election, and that no voting paper containing the names of more candidates than there are burgesses to be elected at such election shall be received or recorded: Provided also, that no voting paper shall be received or recorded unless the person tendering the same shall make the following declaration, which he shall sign at the foot or back thereof:

“I solemnly declare, that *I am personally acquainted* with A. B. (the voter), and I verily believe that this is the paper by which he intends to vote pursuant to the provisions of the Universities Elections Act.”

Provided also, that no voting paper shall be so received and recorded if the voter signing the same shall have already voted in person at the same election: Provided also, that every such elector shall be entitled to vote in person, notwithstanding that he has duly signed and transmitted a voting paper to another elector, if such voting paper has not been already tendered at the poll.

By s. 1 of the University Election Act, 1868 (p. 429), the declaration is amended by omitting the words as to personal acquaintance. That Act also provides for voting papers being signed in the Channel Islands.

Voting papers
may be in-
spected by any
person now
entitled to
object to
votes.

3. It shall be lawful for any person now by law or custom authorized on behalf of any candidate to object to votes to inspect any voting paper tendered at the poll before the same shall be received or recorded, and to object to it on one or more of the following grounds:

1. That the person on whose behalf the voting paper is tendered is not qualified to vote:
2. That the person tendering the voting paper is not duly qualified in that behalf:
3. That the person in whose behalf the voting paper is tendered has already voted at that election in person or by voting paper:
4. That the voting paper bears date anterior to notice given by the returning officer of the day for proceeding to election:

Powers of re-
turning officer.

5. That the voting paper is forged or falsified: .
And the returning officer, his deputy or assessor, or any officer having by law or custom power to decide objections in

**24 & 25 Vict.
c. 53.**

Voting papers to be filed.

Penalty for falsely signing voting papers.

**Voting papers
not liable to
stamp duty.**

[See s. 1.]

And I nominate

[illegible]

Signed in my presence by the said A.B., who is personally known to me, on the above-mentioned day of 18 , the

24 & 25 Vict.
c. 53.

name [or names] of _____ as the candidate [or candidates]
voted for having been previously filled in.
(Signed) Z.M. of [the witness's place of residence
to be here inserted],
a Justice of the Peace for _____

26 Vict. c. 20.

26 Vict. c. 20. An Act to further limit and define the
'Time for proceeding to Election during the Recess.
[8th June, 1863.]

"Whereas by the Act of the twenty-fourth of George the Third, chapter twenty-six, the Act of the fifty-second of George the Third, chapter one hundred and forty-four, and the Act of the twenty-first and twenty-second of Victoria, chapter one hundred and ten, the Speaker is enabled to issue his warrant to the Clerk of the Crown to make out new writs for the election of members of the House of Commons in certain cases during the recess of Parliament, after giving fourteen days' notice in the *London Gazette*: And whereas it is expedient to limit the time of notice required by the said Acts:" BE IT ENACTED as follows:—

Recited Acts
to be con-
strued as if
six and not
fourteen
days' notice
had been
originally in
said Acts.

1. The Act of the twenty-fourth year of George the Third, chapter twenty-six, the Act of the fifty-second year of George the Third, chapter one hundred and forty-four, and the Act of the twenty-first and twenty-second years of Victoria, chapter one hundred and ten, shall be so construed as if six and not fourteen days' notice had been originally in the said Acts, and this Act and the said Acts shall be construed and read together.

For 24 Geo. 3, c. 26, see p. 391. For 21 & 22 Vict. c. 110, see p. 418. The Act 52 Geo. 3, c. 144, is repealed, except as to Scotland and Ireland, by 32 & 33 Vict. c. 83, s. 20.

26 & 27 Vict. c. 29.

26 & 27 Vict.
c. 29.

[1-5. Repealed by the Corrupt Practices Act, 1883.]

General
allegations
sufficient in
indictments.

6. In any indictment or information for bribery or undue influence, and in any action or proceeding for any penalty for bribery, treating, or undue influence, it shall be sufficient to allege that the defendant was at the election at or in connection with which the offence is intended to be alleged to have been committed guilty of bribery, treating, or undue influence (as the case may require); and in any criminal or civil proceedings in relation to any such offence the certificate of the returning officer in this behalf shall be sufficient evidence of the due holding of the election, and of any person therein named having been a candidate thereat.

[7-11. Repealed by the Corrupt Practices Act, 1883.]

30 & 31 Vict. c. 102.

30 & 31 Vict.
c. 102.

REPRESENTATION OF THE PEOPLE ACT, 1867.

Places for Election, and Polling Places.

9. At a contested election for any county or borough represented by three members no person shall vote for more than two candidates.

This section, since the Redistribution Act, 1885, is inoperative, as no person can vote for more than two candidates.

10. At a contested election for the City of London no person shall vote for more than three candidates.

London has now only two members (s. 4 of Redistribution Act, 1885, p. 258).

11. No elector who within six months before or during any election for any county or borough shall have been retained, hired, or employed for all or any of the purposes of the election for reward by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in other like employment, shall be entitled to vote at such election, and if he shall so vote he shall be guilty of a misdemeanor.

Paid agents
may not vote.
[See p. 474.]

33. The Court for the election of members for each of the divisions mentioned in the second column of the said Schedule (D) shall be holden at the places named for that purpose in the fourth column of the same schedule.

Courts for the
election of
members for
counties, as in
Schedule (D).

The place of elections for divisions is now provided for by s. 16 of the Act of 1885 (p. 518); so that Sched. D. has become obsolete.

34. In every county the justices of the peace having jurisdiction therein or in the larger part thereof, assembled at some court of general quarter sessions, or at some adjournment thereof, held after the passing of this Act, may, if they think convenience requires it, divide such county into polling districts, and assign to each district a polling place, in such manner as to enable each voter, so far as practicable, to have a polling place within a convenient distance of his residence; and the justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling place assigned to each district, and shall name the polling places at which the revising barristers are to hold their courts, and no revising barrister shall be obliged to hold his courts at any polling places not so named: Provided that the justices of the peace for the Isle of Ely, assembled as aforesaid, shall carry into effect the provisions of this section so far as regards the said Isle of Ely; but nothing herein contained shall affect the powers conferred by any other Act of Parliament of altering polling places or polling districts, or of creating additional polling places or districts:

Polling places
in counties.

Proviso as to
Isle of Ely.

The local authority of every borough shall, if they think

Polling places
in boroughs.

30 & 31 Vict.
c. 102, s. 34.

*Polling
Districts.*

Parishes with
several polling
districts.

Lists of voters
to correspond
with district.

* p. 113.

Advertising
polling dis-
tricts and
booths.

Definition of
local
authority.

convenience requires it, as soon as may be after the passing of this Act, divide such borough into polling districts, and the returning officer shall in the case of a contested election provide at least one booth or room for taking the poll in each polling district; and in cases where a parliamentary borough is constituted of two or more towns the distance between two of which shall exceed two miles, there shall be provided a booth or room for taking the poll in each of such towns:

Where any parish in a borough is divided into or forms part of more than one polling district, the overseers shall, so far as practicable, make out the lists of voters in such manner as to divide the names in conformity with each polling district:

The town clerk, as defined by the Act of the sixth Victoria, chapter eighteen,* shall cause the lists of voters for each borough to be copied, printed, arranged, and signed, and delivered in the manner directed by the said Act, so as to correspond with the division of the borough into polling districts:

A description of the polling districts made or altered in pursuance of this Act shall be advertised by the local authority in such manner as they think fit, and notice of the situation, division, and allotment of the polling booth or place for each district shall be given in manner now required by law:

The local authority shall mean in every municipal borough, and in every borough any part of which forms a municipal borough, the town council of such borough; and in cases where a parliamentary borough is constituted by the combination of two or more municipal boroughs, then the local authority shall mean the town council of that municipal borough in which the nomination takes place:

The local authority may from time to time alter any districts made by them under this Act.

This power is now (p. 434) exercisable from time to time.

The definition in this Act of the local authority in boroughs is not interfered with by the Registration Act, 1885. As to the definition in counties, see s. 13 of that Act, p. 173. By s. 47 of the Corrupt and Illegal Practices Act, 1883 (p. 494), further directions, including the distance from the voters of the nearest polling place, are given for the division of counties and boroughs into polling districts. For further provisions as to polling districts, and the definition of the local authority, see Ballot Act, 1872, s. 5 (p. 434). Where there is no municipality in a parliamentary borough the local authority is the justices of petty sessions (s. 18 of Registration Act, 1868), and when not wholly in a petty sessional division the quarter sessions.

[35. Repealed by the Ballot Act, 1872.]

[36. Repealed by the Corrupt Practices Act, 1883.]

Rooms for
taking polls
wherever
possible.

37. At every contested election for any county or borough, unless some building or place belonging to the county or borough is provided for that purpose, the returning officer shall,

whenever it is practicable so to do, instead of erecting a booth, hire a building or room for the purpose of taking the poll.

30 & 31 Vict.
c. 102.

For the cost of polling stations per place, see p. 400 ; per station, p. 469 ; as to using room in school, &c., see p. 435.

[38. Commencement of register. See Part II., "Registration of Electors."]

[39. Repealed by the Ballot Act, 1872.]

[40. Disqualification by parochial relief in counties. See Part I., "Qualification of Electors."]

Election in University of London.

41. The Vice-Chancellor of the University of London shall be the returning officer for such University, and the writ for any election of a member to serve in Parliament for such university shall be directed to such Vice-Chancellor.

Returning
Officer for
University of
London.

42. The Vice-Chancellor of the University of London shall proceed to election, in pursuance of any writ to be directed to him as hereinbefore mentioned, within six days after the receipt of such writ, giving three clear days' notice of the day and place of election, exclusive of the day of proclamation and the day of election ; and the Vice-Chancellor shall after such election certify the same, together with such writ, according to the directions thereof.

Elections for
that University
to proceed in
six days after
receipt of writ.

43. At every contested election of a member or members to serve in Parliament for the University of London the polling shall commence at eight o'clock in the morning of the day next following the day fixed for the election, and may continue for not more than five days (Sunday, Christmas Day, Ascension Day, and Good Friday being excluded), but no poll shall be kept open later than four o'clock in the afternoon.

Polling may
continue five
days.

44. At every election of a member to serve in Parliament for the University of London the Vice-Chancellor shall appoint the polling place, and also shall have power to appoint two or more pro Vice-Chancellors, any one of whom may receive the votes and decide upon all questions during the absence of such Vice-Chancellor ; and such Vice-Chancellor shall have power to appoint poll-clerks and other officers, by one or more of whom the votes may be entered in the poll book, or such number of poll books as may be judged necessary by such Vice-Chancellor ; and such Vice-Chancellor shall, not later than two o'clock in the afternoon of the day next following the close of the poll, openly declare the state of the poll and make proclamation of the members chosen.

Polling place.

Pro Vice-
Chancellors.

Poll-clerks.

Declaration of
poll.

45. All the provisions of an Act passed in the twenty-fourth and twenty-fifth years of her present Majesty, entitled "An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers,"* shall apply to every election of a member for the University of London.

Voting papers.

* p. 420.

30 & 31 Vict.
c. 102.

[46. Residence of electors for the city of London extended to 25 miles, see *ante*, Part I.]

Miscellaneous.

As to return-
ing officers
in new
boroughs.

* p. 397.

47. In any borough named in Schedules (B.) and (C.) to this Act annexed, which is or includes a municipal borough, the mayor of such municipal borough shall be the returning officer, and in the other cases the returning officer shall be appointed in the same manner as if such places were included amongst the boroughs mentioned in Schedules (C.) and (D.)* of the Act of the second year of his late Majesty William the Fourth, chapter forty-five, for which no persons are mentioned in such schedules as returning officers.

S. 12 of the Redistribution of Seats Act, 1885 (p. 516), has a similar provision of the returning officers of boroughs constituted under that Act.

[48. Boundary Commissioners.]

Corrupt
payment of
rates to be
punishable as
bribery.

49. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made shall also be guilty of bribery, and punishable accordingly.

For the punishment of bribery, see Corrupt and Illegal Practices Act, 1883, ss. 3-6 (p. 467). This section is scheduled to that Act as part of the definition of bribery (p. 513).

Returning
officer, &c.,
acting as
agent guilty
of mis-
demeanor.

50. No returning officer for any county or borough, nor his deputy, nor any partner or clerk of either of them, shall act as agent for any candidate in the management or conduct of his election as a member to serve in Parliament for such county or borough; and if any returning officer, his deputy, the partner or clerk of either of them, shall so act, he shall be guilty of a misdemeanor.

This section is by s. 11 of the Ballot Act (p. 437) applied to officers appointed by the returning officer.

Demise of the
Crown not
to dissolve
Parliament.

51. Whereas great inconvenience may arise from the enactments now in force limiting the duration of the Parliament in being at the demise of the Crown: Be it therefore enacted, That the Parliament in being at any future demise of the Crown shall not be determined or dissolved by such demise, but shall continue so long as it would have continued but for such demise, unless it should be sooner prorogued or dissolved by the Crown, anything in the Act passed in the sixth year of her late Majesty Queen Anne, chapter seven, in any way notwithstanding.

The Act referred to (which is 6 Anne, c. 41, Rev. Stat.) provides that if

Parliament be adjourned or prorogued at the demise of the Crown, it shall immediately sit and act.

30 & 31 Vict.
c. 102.

[52. See "Disqualification of Candidates," Part IV.]

53. Any copy of any of the said reports by the said Commissioners appointed for the purpose of making inquiry into the existence of corrupt practices in any of the said boroughs of Totnes, Great Yarmouth, Lancaster, or Reigate, with the schedules thereof annexed, and purporting to be printed by the Queen's printer, shall for the purposes of this Act be deemed to be sufficient evidence of any such report of the said Commissioners, and of the schedules annexed thereto.

Reports of certain Commissioners printed by Queen's printer to be evidence.

[56. See "Qualification of Electors," Part I.]

57. From and after the passing of this Act, the County Palatine of Lancaster shall cease to be a county palatine, in so far as respects the issue, direction, and transmission of writs for the election of members to serve in Parliament for any division of the said county or for any borough situate in the said county; and such writs may be issued under the same seal, be directed to the like officer, and transmitted in the like manner, under, to, and in which writs may be issued, directed, and transmitted in the case of divisions of counties and boroughs not forming part of or situate in a county palatine; and any writ issued, directed, and transmitted in manner directed by this section shall be valid accordingly.

As to issue of writs to County Palatine of Lancaster.

Extended by s. 21 of 31 & 32 Vict. c. 58, *infra*, to the County Palatine of Durham.

58. All writs to be issued for the election of members to serve in Parliament, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs or relating to the registration of voters, shall be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

Writs, &c., to be made conformable to this Act.

61. The following terms shall in this Act have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

Interpretation of terms:

"Month" shall mean calendar month:

"Month:"

"Member" shall include a knight of the shire:

"Member:"

"Election" shall mean an election of a member or members to serve in Parliament:

"Election:"

"County" shall not include a county of a city or county of a town, but shall mean any county, riding, parts or divisions of a county returning a member or members to serve in Parliament:

"County:"

"Borough" shall mean any borough, city, place, or combination of places, not being a county as hereinbefore defined, returning a member or members to serve in Parliament:

"Borough:"

"Dwelling-house" shall include any part of a house occupied

"Dwelling-house:"

30 & 31 Vict.
c. 102, s. 61.

Definitions.

"The Registration Acts:"

as a separate dwelling, and separately rated to the relief of the poor : (a)

"The Registration Acts" shall mean the Act of the sixth year of the reign of her present Majesty, chapter eighteen, and the Act of the twenty-eighth year of the reign of her present Majesty, chapter thirty-six, and any other Acts or parts of Acts relating to the registration of persons entitled to vote at and proceedings in the election of members to serve in Parliament for England and Wales.

31 & 32 Vict.
c. 58, ss. 18,
21, 33.

Local
authority for
polling
districts

to act from
time to time.

* p. 423.

† Lancaster.
p. 427.

Returning
officer when
parliamentary
borough
becomes
municipal
borough.

31 & 32 Vict. c. 58, ss. 18, 21, 33.

18. The local authority within the meaning of the same section [s. 34 of the Act of 1867, p. 423] in boroughs where the town council is not the local authority shall be the justices of the peace of the petty sessional division in which such borough is situate, or if such borough be situate in or comprise more than one petty sessional division, then the justices in general or quarter sessions having jurisdiction over such borough, or the greater part thereof in area.

The power of dividing their county into polling districts and assigning to each district a polling place vested in the justices of the peace by the thirty-fourth section of the Representation of the People Act, 1867,* may be exercised by such justices from time to time, and as often as they shall think fit, and the said power of dividing a county into polling districts shall be deemed to include the power of altering any polling district or polling districts.

21. Section fifty-seven † of the Representation of the People Act, 1867, with respect to the County Palatine of Lancaster, and the issue, direction, and transmission of writs for the election of members to serve in Parliament for any division of the said county, or for any borough situate therein, shall be construed to extend to and include the County Palatine of Durham.

33. Whenever a borough returning a member or members to serve in Parliament becomes a municipal borough the authority of the person who may for the time being be acting as returning officer shall cease, and the mayor shall take his place, subject nevertheless to the repayment to such first-mentioned returning officer of any expenses properly incurred by him in the execution of the duties of his office.

(a) Repealed by the Registration Act, 1878.

31 & 32 Vict. c. 65.31 & 32 Vict.
c. 65.**An Act to amend the Law relating to the use of Voting Papers
in Elections for the Universities.**

1. The said recited form of declaration shall not be required, and there shall be substituted in place thereof the form of declaration following, that is to say:

Substituted
declaration by
party tender-
ing voting
paper.

‘ I solemnly declare that I verily believe that this is the
‘ paper by which A.B. (the voter) intends to vote pursuant
‘ to the provisions of the “ Universities Election Acts, 1861
‘ and 1868.” ’

For recited form of declaration, see 24 & 25 Vict. c. 53, s. 2 (p. 421).

2. The second section of the said first-mentioned Act shall, in reference to the University of London, be construed as if the words “ in the manner heretofore used ” were omitted therefrom.

As to London
University.

3. A voting paper for the election of any burgess or member to serve in Parliament for any Universities or University, in respect of which the provisions of the said first-mentioned Act may for the time being be in force, may be signed by a voter being in one of the Channel Islands, in the presence of the following officers, that is to say,

Voting papers
signed in
Channel
Islands.

(1.) In Jersey and Guernsey, of the bailiffs, or any lieutenant-bailiff, jurat, or Juge d’Instruction.

(2.) In Alderney, of the Judge of Alderney or any jurat.

(3.) In Sark, of the seneschall or deputy-seneschall.

And for the purpose of certifying and attesting the signature of such voting paper, each of the said officers shall have all the powers of a justice of the peace under the first-mentioned Act, and a statement of the official quality of such officer shall be a sufficient statement of quality in pursuance of the provisions of the said Act.

4. This Act may be cited for all purposes as “ The Universities Election Act, 1868,” and the said first-mentioned Act and this Act may be cited together as “ The Universities Election Acts, 1861 and 1868.”

Titles.

35 & 36 Vict.
c. 33.

35 & 36 Vict. c. 33.

BALLOT ACT, 1872.

SECTION.	PAGE
1. Nomination—Withdrawal from candidature	431
2. Poll—Contents of ballot paper—Return—Casting vote	431
3. Offences as to nomination papers and ballot papers and boxes	432
4. Maintenance of secrecy at polling stations	433
5. Polling districts	434
6. Use of school-room for poll	435
7. Conclusiveness of register	435
8. Powers and duties of returning officer	436
9. Maintenance of order at polling station	436
10. Powers of presiding officer	437
11. Liability of officers for misconduct	437
12. No person to be required to disclose vote	437
13. Effect of non-compliance with rules in Schedule I.	437
14. Use of municipal ballot boxes, &c.	438
15. Construction of Act	438
24. Definition and punishment of personation	438
25. Striking off vote for corrupt practice	439
28. Effect of schedules	439
29. Interpretation clause	440
31. Act not to apply to Universities	440
32. Repeal of enactments in Schedule IV.	440
33. Duration of Act	440

Schedules.

I. Rules	1-13. Election	440
"	14-30. Poll	442
"	31-43. Counting votes	445
"	44. Mode of return	447
"	45, 46. Notice of result, and other public notices.	447
"	47. Returning officer may act as presiding officer	447
"	48. Persons to count votes	447
"	49, 50. Clerks, &c.—Delegation of duties by presiding officer	447
"	51. Candidate may be his own agent	448
"	52. Name and address of agent to be made known	448
"	53. Death of polling station or counting agent	448
"	54. Declaration of secrecy by agents, &c.	448
"	55. Non-attendance of agents	448
"	56. Computation of time	448
"	57. Definitions	448
II. Forms—	Writ for election	449
"	Notice of election	449
"	Nomination paper	450
"	Ballot paper	451
"	Declaration of secrecy	452
"	Declaration of inability to read	452
III. Registration Acts applied		453
IV. Acts repealed		453

An Act to amend the Law relating to Procedure at Parliamentary and Municipal Elections. [18th July, 1872.]

35 & 36 Vict.
c. 33.

“Whereas it is expedient to amend the law relating to procedure at parliamentary and municipal elections”: BE IT ENACTED as follows:

PART I.

PARLIAMENTARY ELECTIONS.

Procedure at Elections.

1. A candidate for election to serve in Parliament for a county or borough shall be nominated in writing. The writing shall be subscribed by two registered electors of such county or borough as proposer and seconder, and by eight other registered electors of the same county or borough as assenting to the nomination, and shall be delivered during the time appointed for the election to the returning officer by the candidate himself, or his proposer or seconder.

Written nomination of candidates by proposer, seconder, and eight voters.

If at the expiration of one hour after the time appointed for the election no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidates who may stand nominated to be elected, and return their names to the Clerk of the Crown in Chancery; but if at the expiration of such hour more candidates stand nominated than there are vacancies to be filled up, the returning officer shall adjourn the election and shall take a poll in manner in this Act mentioned.

One hour for nominating candidates.

A candidate may, during the time appointed for the election, but not afterwards, withdraw from his candidature by giving a notice to that effect, signed by him, to the returning officer: Provided that the proposer of a candidate nominated in his absence out of the United Kingdom may withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.

Candidate withdrawing.

If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates nominated shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death; provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

On death of candidate

countermand of poll.

As to security, see p. 457; as to double nomination, see *Northcote v. Pulsford*, L. R. 10 C. P. 476, and p. 441 *n. post.*

2. In the case of a poll at an election the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in

Voting at poll by ballot papers.

35 & 36 Vict.
c. 33.

Vote by Ballot.

* For form, see
p. 451.

Irregularities
of ballot
papers.

Opening boxes,
counting votes,
and returning
member.

Casting vote of
returning
officer.

this Act called a ballot paper) showing the names and description of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face.* At the time of voting, the ballot paper shall be marked on both sides with an official mark, and delivered to the voter within the polling station, and the number of such voter on the register of voters shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station (in this Act called "the presiding officer") after having shown to him the official mark at the back.

Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything, except the said number on the back, is written or marked by which the voter can be identified, shall be void and not counted.

After the close of the poll the ballot boxes shall be sealed up, so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the returning officer, and that officer shall, in the presence of such agents (if any) of the candidates as may be in attendance, open the ballot boxes, and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes have been given, and return their names to the Clerk of the Crown in Chancery. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Where an equality of votes is found to exist between any candidates at an election for a county or borough, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if a registered elector of such county or borough, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

As to the character of the mark to be made by the voter, see *Woodward v. Sarsons*, L. R. 10 C. P. 733, and p. 452, *post*. An action lies against the presiding officer for not affixing the official mark by a candidate, who thereby loses the election (*Pickering v. James*, L. R. 8 C. P. 489; 42 L. J. C. P. 217; 29 L. T. 210; 21 W. R. 786). The return of the names to the Clerk of the Crown received after office hours is legally made next day (*Hurdle v. Waring*, L. R. 9 C. P. 435; 43 L. J. C. P. 209).

A candidate may vote for himself.

Offences at Elections.

Forging, &c.,
nomination
paper.

3. Every person who,—

(1.) Forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning

35 & 36 Vict.
c. 33.

*Infringement
of secrecy.*

Punishment.

information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

To give the means of acquiring information has been held not "communicating information" within this section (*Stannanaught v. Hazeldine*, 4 C. P. D. 191; 48 L. J. M. C. 89; 40 L. T. 589; 27 W. R. 620).

Amendment of Law.

Polling districts in boroughs.

5. The local authority (as hereinafter defined) of every borough shall take into consideration the division of such borough into polling districts, and, if they think it desirable, by order, divide such borough into polling districts in such manner as they may think most convenient for taking the votes of the electors at a poll.

Copy of order as to polling districts for Home Secretary.

The local authority of every county and borough shall, on or before the first day of May one thousand eight hundred and seventy-three, send to one of her Majesty's principal Secretaries of State, to be laid by him before both Houses of Parliament, a copy of any order made by such authority in pursuance of this section, and a report, in such form as he may require, stating how far the provisions of this Act with respect to polling districts have been complied with in their county or borough; and if they make any order after the first day of May one thousand eight hundred and seventy-three, with respect to polling districts or polling places in their county or borough, they shall send a copy of such order to the said Secretary of State, to be laid by him before both Houses of Parliament.

Definition of local authority.

The local authority of a county or borough in this section means the authority having power to divide such county or borough into polling districts under section thirty-four of the Representation of the People Act, 1867,* and any enactments amending that section; and such authority shall exercise the powers thereby given to them for the purposes of this section; and the provisions of the said section as to the local authority of a borough constituted by the combination of two or more municipal boroughs shall apply to a borough constituted by the combination of a municipal borough and other places, whether municipal boroughs or not; and in the case of a borough of which a town council is not the local authority and which is not wholly situate within one petty sessional division, the justices of the peace for the county in which such borough or the larger part thereof in area is situate, assembled at some court of general or quarter sessions, or at some adjournment

* p. 424.

thereof, shall be the local authority thereof, and shall for this purpose have jurisdiction over the whole of such borough; and in the case of such borough and of a county, a court of general sessions shall be assembled within twenty-one days after the passing of this Act, and any such court may be assembled and adjourned from time to time for the purpose.

35 & 36 Vict.
c. 83.

No election shall be questioned by reason of any non-compliance with this section or any informality relative to polling districts or polling places, and any order made by a local authority in relation to polling districts or polling places shall apply only to lists of voters made subsequently to its date, and to registers of voters formed out of such lists, and to elections held after the time at which a register of voters so formed has come into force: Provided that where any such order is made between the first day of July and the first day of November in any year, and does not create any new division between two or more polling districts of any parish for which a separate poor rate is or can be made, such order shall apply to the register of voters which comes into force next after such order is made, and to elections held after that register so comes into force; and the clerk of the peace or town clerk, as the case may be, shall copy, print, and arrange the lists of voters for the purpose of such register in accordance with such order.

Saving for
validity of
elections.

The polling districts were arranged for the purposes of the extension of the franchise in 1884 under s. 13 of the Registration Act, 1885, p. 173.

When a parliamentary borough includes two or more municipal boroughs, the town council of the borough in which the nomination takes place is the local authority (Rep. People Act, 1867, s. 34, p. 424). This section in its first paragraph directed polling districts in counties to be arranged so that the voter should not have to go more than four miles. This provision was repealed by the Corrupt and Illegal Practices Act, 1883, and three miles substituted by s. 47 of that Act, p. 494.

6. The returning officer at a parliamentary election may use, free of charge, for the purpose of taking the poll at such election, any room in a school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any local rate, but he shall make good any damage done to such room and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control over the same on account of its being used for the purpose of taking the poll as aforesaid.

Use of school
and public
room for poll.

The use of any room in an unoccupied house for the purpose of taking the poll shall not render any person liable to be rated or to pay any rate for such house.

Rooms are to be used in preference to booths, see p. 425.

7. At any election for a county or borough, a person shall not be entitled to vote unless his name is on the register of voters for the time being in force for such county or borough, and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote: Provided that nothing in this section shall entitle any person to vote who is

Conclusiveness
of register of
voters.

35 & 36 Vict.
c. 33, s. 7.

*Conclusiveness
of Register.*

prohibited from voting by any statute, or by the common law of Parliament, or relieve such person from any penalties to which he may be liable for voting.

This section must be read with s. 79 of the Registration Act, 1843 (p. 110), which provides that "the register of voters shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force in such election," the provisos limiting that enactment being repealed by this Act, and the effect of the section extended by this section. S. 79 clearly applies only to the effect of the register at the election, and there is nothing in this section to extend its effect to the trial of an election petition. The first words of the section "at any election" limit its application to the election, and the second of the two cases dealt with is the title "to receive a ballot paper and vote," showing that voting *de facto* and not *de jure* is intended. The contrary, however, has been decided in *Stowe v. Jolliffe*, L. R. 9 C. P. 734; 43 L. J. Rep. C. P. 265, in which case it was held by Coleridge, C.J., Keating and Grove, JJ., that the register was conclusive on the election judge, except as enacted in the proviso. At the time of the decision (1874) there was no appeal against it, but it might now be overruled by the Court of Appeal, though it probably would not, having been acted on for more than ten years and approved in some degree in *Hayward v. Scott*, 5 C. P. D. 231 (p. 157, *ante*). As to voters prohibited from voting, see note to s. 9 of Corrupt and Illegal Practices Act, 1883, p. 470.

Whether the vote of an alien can be struck off on a scrutiny considered (*Ryder v. Hamilton*, L. R. 4 C. P. 559; 38 L. J. Q. P. 260; 17 W. R. 795).

Duties of Returning and Election Officers.

Returning
officer to pro-
vide neces-
saries for
election.

8. Subject to the provisions of this Act, every returning officer shall provide such nomination papers, polling stations, ballot boxes, ballot papers, stamping instruments, copies of register of voters, and other things, appoint and pay such officers, and do such other acts and things as may be necessary for effectually conducting an election in manner provided by this Act.

Payment of his
expenses.
[See p. 457.]

All expenses properly incurred by any returning officer in carrying into effect the provisions of this Act, in the case of any parliamentary election, shall be payable in the same manner as expenses incurred in the erection of polling booths at such election are by law payable.

Sheriff's
deputy in
divided
counties.

Where the sheriff is returning officer for more than one county as defined for the purposes of parliamentary elections, he may, without prejudice to any other power, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes relating to an election in any such county, and may, by himself or such deputy, exercise any powers and do any things which the returning officer is authorized or required to exercise or do in relation to such election. Every such deputy, and also any under sheriff, shall, in so far as he acts as returning officer, be deemed to be included in the term returning officer in the provisions of this Act relating to parliamentary elections, and the enactments with which this part of this Act is to be construed as one.

Deemed re-
turning officer.

The sheriff was also allowed in divided counties to appoint a deputy by s. 61 of the Reform Act, p. 398.

9. If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any constable in or near that station, or any other person authorized in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day.

35 & 36 Vict.
c. 33.

Removal from
station by pre-
siding officer.

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a justice of the peace.

If charged, to
remain in
custody.

Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

Saving for
voter.

10. For the purpose of the adjournment of the poll,* and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a deputy returning officer; and any presiding officer and any clerk appointed by the returning officer to attend at a polling station shall have the power of asking the questions and administering the oath authorized by law to be asked of and administered to voters, and any justice of the peace and any returning officer may take and receive any declaration authorized by this Act to be taken before him.

Powers of
presiding
officer and
clerk.

* p. 400.

11. Every returning officer, presiding officer, and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding one hundred pounds.

Liability of
officers for
misconduct.

Section fifty of the Representation of the People Act, 1867 † (which relates to the acting of any returning officer, or his partner or clerk, as agent for a candidate), shall apply to any returning officer or officer appointed by him in pursuance of this Act, and to his partner or clerk.

† p. 427.

Miscellaneous.

12. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

Vote need not
be disclosed.

13. No election shall be declared invalid by reason of a non-compliance with the rules contained in the first schedule to this Act, or any mistake in the use of the forms in the second schedule to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the body of this Act, and that such non-compliance or mistake did not affect the result of the election.

Non-com-
pliance with
rules for
election.

[See s. 28.]

If the election is substantially an election by ballot, it will not be void

35 & 36 Vict.
c. 33.

Use of municipal ballot boxes, &c., for parliamentary election, and *vice versa*.

Construction of Act.

"Tender his vote."

"Voting."

"Polling booth."

"Proclamation."

through mistake or misconduct in applying the Act (*Woodward v. Sarsons*, L. R. 10 C. P. 733; 44 L. J. C. P. 293; 32 L. T. 867). In the *Hackney Case*, 2 O'Malley and Hardcastle, 77, the election was avoided by the absence of a poll at two stations, caused by an insufficiency of ballot boxes.

14. Where a parliamentary borough and municipal borough occupy the whole or any part of the same area, any ballot boxes or fittings for polling stations and compartments provided for such parliamentary borough or such municipal borough may be used in any municipal or parliamentary election in such borough free of charge, and any damage other than reasonable wear and tear caused to the same shall be paid as part of the expenses of the election at which they are so used.

15. This part of this Act shall, so far as is consistent with the tenor thereof, be construed as one with the enactments for the time being in force relating to the representation of the people, and to the registration of persons entitled to vote at the election of members to serve in Parliament, and with any enactments otherwise relating to the subject matter of this part of this Act, and terms used in this part of this Act shall have the same meaning as in the said enactments; and in construing the said enactments relating to an election or to the poll or taking the votes by poll, the mode of election and of taking the poll established by this Act shall for the purposes of the said enactments be deemed to be substituted for the mode of election or poll, or taking the votes by poll, referred to in the said enactments; and any person applying for a ballot paper under this Act shall be deemed "to tender his vote," or "to assume to vote," within the meaning of the said enactments; and any application for a ballot paper under this Act, or expressions relative thereto shall be equivalent to "voting" in the said enactments and any expressions relative thereto; and the term "polling booth" as used in the said enactments shall be deemed to include a polling station; and the term "proclamation" as used in the said enactments shall be deemed to include a public notice given in pursuance of this Act.

[16-19. Scotland and Ireland.]

[20. Application, with modifications, to municipal election of enactments relating to the poll at parliamentary elections.]

[21. Abolition of ward assessors for municipal elections.]

[22, 23. Scotland and Ireland.]

PART III.

PERSONATION.

Definition and punishment of personation.

24. The following enactments shall be made with respect to personation at parliamentary and municipal elections:

A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name

of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

35 & 36 Vict.
c. 83.

It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, at the election for which he is returning officer, and the costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the court in the same manner in which courts are empowered to allow the same in cases of felony.

Returning officer to prosecute.

The provisions of the Registration Acts, specified in the third schedule to this Act,* shall in England and Ireland respectively apply to personation under this Act in the same manner as they apply to a person who knowingly personates and falsely assumes to vote in the name of another person as mentioned in the said Acts.

Application of Registration Acts.

* p. 453.

For provisions as to personation agents, &c., see p. 405.

25. Where a candidate on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or any other employment, is proved on such trial to have voted at such election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to such candidate one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed for reward as aforesaid.

Vote to be struck off for bribery, treating, or undue influence.

A guilty intent in the voter must be proved under this section (*Malcolm v. Parry*, L. R. 9 C. P. 610; 43 L. J. C. P. 331).

[26. Scotland.]

27. This part of this Act, so far as regards parliamentary elections, shall be construed as one with "The Parliamentary Elections Act, 1868," and shall apply to an election for a university or combination of universities.

Construction of part of Act.

As to voting by voting papers at University elections, see 24 & 25 Vict. c. 53, and 31 & 32 Vict. c. 65, *ante*.

PART IV.

MISCELLANEOUS.

28. The schedules to this Act, and the notes thereto, and directions therein, shall be construed and have effect as part of this Act.

Effect of schedules.

[29. Municipal.]

35 & 36 Vict.
c. 33.

Application
of Act.
Saving.

Repeal of
Acts in
schedules.

Short title.

[See s. 28, p.
439.]

Notice of day
and place of
election.

30. This Act shall apply to any parliamentary or municipal election which may be held after the passing thereof.

31. Nothing in this Act, except Part III. thereof, shall apply to any election for a university or combination of universities.

Repeal.

32. The Acts specified in the fourth, fifth, and sixth schedules to this Act, to the extent specified in the third column of those schedules, and all other enactments inconsistent with this Act, are hereby repealed.

Provided that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or
- (b.) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

33. This Act may be cited as “The Ballot Act, 1872,” and shall continue in force till the 31st day of December, 1880, and no longer, unless Parliament shall otherwise determine; and on the said day the Acts in the fourth, fifth, and sixth schedules shall be thereupon revived; provided that such revival shall not affect any act done, any rights acquired, any liability or penalty incurred, or any proceeding pending under this Act, but such proceeding shall be carried on as if this Act had continued in force.

The Act has been continued by successive “Expiring Laws Continuance Acts,” passed at the close of each session of Parliament.

SCHEDULES.

FIRST SCHEDULE.

PART I.

RULES FOR PARLIAMENTARY ELECTIONS.

Election.

1. The returning officer shall, in the case of a county election, within two days after the day on which he receives the writ, and in the case of a borough election, on the day on which he receives the writ or the following day, give public notice, between the hours of nine in the morning and four in the afternoon, of the day on which and the place at which he

will proceed to an election, and of the time appointed for the election, and of the day on which the poll will be taken in case the election is contested, and of the time and place at which forms of nomination papers may be obtained, and in the case of a county election shall send one of such notices by post under cover, to the postmaster of the principal post office of each polling place in the county, endorsed with the words "Notice of election," and the same shall be forwarded free of charge; and the postmaster receiving the same shall forthwith publish the same in the manner in which post office notices are usually published.

35 & 36 Vict.
c. 33.

2. The day of election shall be fixed by the returning officer as follows; that is to say, in the case of an election for a county or a district borough not later than the ninth day after the day on which he receives the writ, with an interval of not less than three clear days between the day on which he gives the notice and the day of election; and in the case of an election for any borough other than a district borough not later than the fourth day after the day on which he receives the writ, with an interval of not less than two clear days between the day on which he gives the notice and the day of election.

Day of election.

3. The place of election shall be a convenient room situate in the town in which such election would have been held if this Act had not passed, or where the election would not have been held in a town, then situate in such town in the county as the returning officer may from time to time determine as being in his opinion most convenient for the electors.

Place of election.

4. The time appointed for the election shall be such two hours between the hours of ten in the forenoon and three in the afternoon as may be appointed by the returning officer, and the returning officer shall attend during those two hours and for one hour after.

Hours of election.

5. Each candidate shall be nominated by a separate nomination paper, but the same electors or any of them may subscribe as many nomination papers as there are vacancies to be filled, but no more (a).

Nomination papers.

6. Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated to sufficiently identify such candidate; the description shall include his names, his abode, and his rank, profession, or calling, and his surname shall come first in the list of his names. No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, or not being in compliance with this rule, shall be allowed or deemed valid, unless such objection is made by the returning officer, or by some other person, at or immediately after the time of the delivery of the nomination paper.

Candidate described in nomination paper.

7. The returning officer shall supply a form of nomination paper to any registered elector requiring the same during such two hours as the returning officer may fix, between the hours of ten in the morning and two in the afternoon on each day intervening between the day on which notice of the election was given and the day of election, and during the time appointed for the election; but nothing in this Act shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper be in the form prescribed by this Act.

Nomination forms to be supplied to elector.

8. The nomination papers shall be delivered to the returning officer at the place of election during the time appointed for the election; and the candidate nominated by each nomination paper, and his proposer and seconder, and one other person selected by the candidate, and no person other than aforesaid, shall, except for the purpose of assisting the return-

Mode of delivering nomination paper.

(a) In *Northcote v. Pulsford*, L. R. 10 C. P. 476; 46 L. J. C. P. 217, a candidate doubly nominated, whose name appeared on two sets of ballot

papers, was allowed to add together the votes on the two sets of ballot papers, though one of his nomination papers was bad.

35 & 36 Vict.
c. 33. Sched. I.

Rules.

Notice of day
of poll, and of
names of
candidates.

ing officer, be entitled to attend the proceedings during the time appointed for the election.

9. If the election is contested the returning officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken, and of the candidates described as in their respective nomination papers, and of the names of the persons who subscribed the nomination paper of each candidate, and of the order in which the names of the candidates will be printed in the ballot paper, and, in the case of an election for a county, deliver to the postmaster of the principal post office of the town in which is situate the place of election a paper, signed by himself, containing the names of the candidates nominated, and stating the day on which the poll is to be taken, and the postmaster shall forward the information contained in such paper by telegraph, free of charge, to the several postal telegraph offices situate in the county for which the election is to be held, and such information shall be published forthwith at each such office in the manner in which post office notices are usually published.

Notice of
withdrawal.

10. If any candidate nominated during the time appointed for the election is withdrawn in pursuance of this Act, the returning officer shall give public notice of the name of such candidate, and the names of the persons who subscribed the nomination paper of such candidate, as well as of the candidates who stood nominated or were elected.

Notice of
persons
nominated.

11. The returning officer shall, on the nomination paper being delivered to him, forthwith publish notice of the person nominated as a candidate, and of the names of his proposer and seconder, by placarding or causing to be placarded the names of the candidate and his proposer and seconder in a conspicuous position outside the building in which the room is situate appointed for the election.

Who deemed
nominated.

12. A person shall not be entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in manner provided by this Act, and every person whose nomination paper has been delivered to the returning officer during the time appointed for the election shall be deemed to have been nominated in manner provided by this Act, unless objection be made to his nomination paper by the returning officer or some other person before the expiration of the time appointed for the election or within one hour afterwards.

Objections to
nomination.

13. The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision, if disallowing the objection, shall be final; but if allowing the same, shall be subject to reversal on petition questioning the election or return.

The Poll.

Day of poll.

14. The poll shall take place on such day as the returning officer may appoint, not being in the case of an election for a county or a district borough less than two nor more than six clear days, and not being in the case of an election for a borough other than a district borough more than three clear days after the day fixed for the election.

Polling
stations.

15. At every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient, provided that in a district borough there shall be at least one polling station at each contributory place of such borough.

Compartment-
ments.

16. Each polling station shall be furnished with such number of compartments, in which the voters can mark their votes screened from observation, as the returning officer thinks necessary, so that at least one compartment

be provided for every one hundred and fifty electors entitled to vote at such polling station.

35 & 36 Vict.
c. 33.

17. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

18. No person shall be admitted to vote at any polling station except the one allotted to him.

19. The returning officer shall give public notice of the situation of polling stations and the description of voters entitled to vote at each station, and of the mode in which electors are to vote. Notice of stations.

20. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough. Materials for voting.

21. The returning officer shall appoint a presiding officer to preside at each station, and the officer so appointed shall keep order at his station, shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the clerks, the agents of the candidates, and the constables on duty (a). Presiding officer.

22. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names: it shall be in the form set forth in the Second Schedule to this Act* or as near thereto as circumstances admit, and shall be capable of being folded up. The ballot paper.

* p. 451.

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons (if any) as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed. The ballot box.

Sealing.

24. Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received (b). Procedure on delivering paper to voter.

25. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box. Procedure by voter.

(a) But the candidate has a right to be present in virtue of his candidature (*Clementson v. Mason*, L. R. 10 C. P. 209; 44 L. J. C. P. 171).

(b) On a scrutiny the marked register

is not conclusive that the voter has voted, or not voted (*Ryder v. Hamilton*, L. R. 4 C. P. 559; 38 L. J. C. P. 260; 17 W. R. 795).

35 & 36 Vict.
c. 33, Sched. I.

Rules.

Blind and
illiterate
persons, and
Jews.

Declaration of
illiteracy.

Tendered
ballot paper.

Spoilt ballot
paper.

Making up
packets at
close of poll.

26. The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in manner prescribed in this Act, or (if the poll be taken on Saturday) of any voter who declares that he is of the Jewish persuasion (a), and objects on religious grounds to vote in manner prescribed by this Act, or of any voter who makes such a declaration as hereinafter mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list in this Act called "the list of votes marked by the presiding officer."

The said declaration, in this Act referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form hereinafter mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

27. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath permitted by law to be asked of and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the register shall be entered on a list, in this Act called the tendered votes list.

28. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

29. The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals,—

- (1.) Each ballot box in use at his station, unopened but with the key attached; and
 - (2.) The unused and spoilt ballot papers, placed together; and
 - (3.) The tendered ballot papers; and
 - (4.) The marked copies of the register of voters, and the counterfoils of the ballot papers; and
 - (5.) The tendered votes list, and the list of votes marked by the presiding officer, and a statement of the number of the voters whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," and the declarations of inability to read;
- and shall deliver such packets to the returning officer.

(a) The Jewish religion prohibits writing on Sunday, but not dictation.

30. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Act referred to as the ballot paper account.

35 & 36 Vict.
c. 33.

The ballot
paper account.

Counting Votes.

31. The candidates may respectively appoint agents to attend the counting of the votes.

Counting
agents.

32. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

Notice of
counting.

33. The returning officer, his assistants and clerks, and the agents of the candidates, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

Who present.

34. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open each ballot box, and, taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.

Before count-
ing.

While count-
ing.

35. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

Hours for
counting.

36. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Crown in Chancery the numbers of ballot papers rejected and not counted by him under the several heads of—

Rejection of
ballot papers.

Reporting
rejections.

1. Want of official mark;

2. Voting for more candidates than entitled to;

3. Writing or mark by which voter could be identified;

4. Unmarked or void for uncertainty;

and shall on request allow any agents of the candidates, before such report is sent, to copy it.

37. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed

After counting.

Verifying bal-
lot paper
accounts.

35 & 36 Vict.
c. 33, Sched. I.

Rules.

Reporting veri-
fication.

Documents for-
warded to
Clerk of
Crown.

Action of Clerk
of the Crown.

Inspection of
rejected ballot
papers.

Inspection of
counterfoils
and ballot
papers.

Inspection of
other docu-
ments.

packet after examination. The returning officer shall report to the Clerk of the Crown in Chancery the result of such verification, and shall, on request, allow any agents of the candidates, before such report is sent, to copy it.

38. Lastly, the returning officer shall forward to the Clerk of the Crown in Chancery (in manner in which the poll books are by any existing enactment required (a) to be forwarded to such clerk, or as near thereto as circumstances admit) all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, and packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the county or borough for which such election was held; and the term poll book in any such enactment shall be construed to include any document forwarded in pursuance of this rule.

39. The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of the House of Commons, or of one of her Majesty's Superior Courts, shall cause them to be destroyed.

40. No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Crown in Chancery, except under the order of the House of Commons or under the order of one of her Majesty's Superior Courts, to be granted by such Court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the House or court making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery. Any power given to a court by this rule may be exercised by any judge of such court at chambers.

41. No person shall, except by order of the House of Commons or any tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the House or tribunal making the order may think expedient; provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent court to be invalid.

42. All documents forwarded by a returning officer in pursuance of this Act to the Clerk of the Crown in Chancery, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery, with the consent of the Speaker of the House of Commons, and the Clerk of the Crown shall supply copies of or extracts from the

(a) For the manner of forwarding the poll books, see Registration Act, 1843, s. 93, p. 408.

said documents to any person demanding the same, on payment of such fees and subject to such regulations as may be sanctioned by the Treasury.

35 & 36 Vict.
c. 83.

43. Where an order is made for the production by the Clerk of the Crown in Chancery of any document in his possession relating to any specified election, the production by such clerk or his agent of the document ordered, in such manner as may be directed by such order, or by a rule of the court having power to make such order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by such Clerk of the Crown or his agent shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who at the time of such election had affixed to his name in the register of voters at such election the same number as the number written on such counterfoil.

Production
identifies docu-
ment.

Endorsement
evidence.

Ballot paper
and counterfoil
evidence of
identity with
vote on
register.

General Provisions.

44. The return of a member or members elected to serve in Parliament for any county or borough shall be made by a certificate of the names of such member or members under the hand of the returning officer endorsed on the writ of election for such county or borough, and such certificate shall have effect and be dealt with in like manner as the return under the existing law, and the returning officer may, if he think fit, deliver the writ with such certificate endorsed to the postmaster of the principal post office of the place of election, or his deputy, and in that case he shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall then forward the same by the first post, free of charge, under cover, to the Clerk of the Crown, with the words "Election Writ and Return" endorsed thereon.

Making return.

By post.

45. The returning officer shall, as soon as possible, give public notice of the names of the candidates elected, and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not.

Notice of
result.

46. Where the returning officer is required or authorized by this Act to give any public notice, he shall carry such requirement into effect by advertisements, placards, handbills, or such other means as he thinks best calculated to afford information to the electors.

Mode of giving
notice.

47. The returning officer may, if he thinks fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

Returning offi-
cer as presiding
officer.

48. In the case of a contested election for any county or borough, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

Counting
assistants.

49. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.

50. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorized to do by this Act at a polling station except ordering the arrest, exclusion, or ejection from the polling station of any person.

Presiding offi-
cer's delega-
tion.

35 & 36 Vict. c. 33.	51. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, attend.
Candidate's rights.	52. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.
Names, &c., of counting agents notified to returning officer.	53. If any person appointed an agent by a candidate for the purposes of attending at the polling station or at the counting of the votes dies, or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.
Substituting counting agent.	54. Every returning officer, and every officer, clerk, or agent authorized to attend at a polling station, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy,* in the presence, if he is the returning officer, of a justice of the peace, and if he is any other officer or an agent, of a justice of the peace or of the returning officer; but no such returning officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election.
Declaration of secrecy.	55. Where in this Act any expressions are used requiring or authorizing or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent as such time and place shall not, if such act or thing be otherwise duly done, in any-wise invalidate the act or thing done.
* p. 452.	56. In reckoning time for the purposes of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving, shall be excluded: and where anything is required by this Act to be done on any day which falls on the above-mentioned days such thing may be done on the next day, unless it is one of the days excluded as above mentioned.
Absence of agent not to invalidate.	57. In this Act— The expression "district borough" means the borough of Monmouth and any of the boroughs specified in Schedule E. to the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five, intituled "An Act to amend the Representation of the People in England and Wales"; † and
Reckoning time.	The expression "polling place" means, in the case of a borough, such borough or any part thereof in which a separate booth is required or authorized by law to be provided; and
District borough.	The expression "agents of the candidates," used in relation to a polling station, means agents appointed in pursuance of section eighty-five of the Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter eighteen. ‡
† p. 251.	[58–63. Scotland and Ireland.]
' Polling place.'	
" Agents."	
‡ p. 405.	

[See s. 28,
p. 439.]

Note.—The forms contained in this schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

***Victoria, by the Grace of God, of the United Kingdom of Great Britain
and Ireland, Queen, Defender of the Faith, to the † of the
county [or borough] of greeting :**

* The name of the Sovereign may be altered when necessary.

‡ Whereas by the advice of our Council we have ordered a Parliament to be holden at Westminster on the _____ day of _____ next. We command you that, notice of the time and place of election being first duly given, you do cause election to be made according to law of _____ members [*or a member*] to serve in Parliament for the said county [*or the* _____ division of the said county, *or the* borough, *or as the case may be*] of _____ § and that you do cause the names of such members [*or member*] when so elected, whether they [*or he*] be present or absent, to be certified to us, in our Chancery, without delay.

† Insert
"sheriff" or
other returning
officer.

Witness ourself at Westminster, the day of
in the year of our reign, and in the year of our
Lord, 18 .

† This preamble to be omitted except in case of a general election.

§ Except in a general election, insert here in the place of A. B., deceased, or otherwise, stating the cause of vacancy.

To the † of
A writ of a new election of members [or member] for the said county
[or division of a county or borough, or as the case may be].

Received the within writ on the day of 18 .

(Signed) A.B.,

High Sheriff [or Sheriff, or Mayor, or as the case may be].

I hereby certify, that the members [or member] elected for
in pursuance of the within-written writ, are [or is] A.B. of
in the county of _____ and C.D. of _____ in the county
of _____.

(Signed) A.B.,
High Sheriff [or Sheriff, or Mayor, or as the case may be].

Note.—A separate writ will be issued for each county as defined for the purposes of a parliamentary election.

The returning officer of the _____ of _____ will, on the _____ day of _____ now next ensuing, between the hours of _____ and _____, proceed to the nomination, and, if

35 & 36 Vict. c.
33., Sched. II.

* *Note.*—In-
sert description
of place and
room.

there is no opposition, to the election, of a member [*or members*] for the
said county [*or division of a county, or borough*] at the *

Forms of nomination paper may be obtained at *, between
the hours of and on

Every nomination paper must be signed by two registered electors as
proposer and seconder, and by eight other registered electors as assenting
to the nomination.

Every nomination paper must be delivered to the returning officer by
the candidate proposed, or by his proposer and seconder, between the said
hours of and on the said day
of at the said *.

Each candidate nominated, and his proposer and seconder, and one
other person selected by the candidate, and no other persons, are entitled
to be admitted to the room.

In the event of the election being contested, the poll will take place on
the day of .

(Signed) A.B.,
Sheriff [*or Mayor, or as the case may be*].
day of 18 .

Take notice, that all persons who are guilty of bribery, treating, undue
influence, personation, or other corrupt practices, *or any illegal practice*, (a)
at the said election will, on conviction of such offence, be liable to the
penalties mentioned in that behalf in “The Corrupt Practices Prevention
Act, 1854,” “*The Corrupt and Illegal Practices Prevention Act, 1883*,” (a)
and the Ballot Act, 1872, and the Acts amending the said Acts.

Form of Nomination Paper in Parliamentary Election.

We, the undersigned A.B. of in the of
and C.D. of in the of
being electors for the of , do hereby nominate
the following person as a proper person to serve as member for the said
in Parliament :

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
BROWN .	JOHN	52 George Street, Bristol	Merchant.
JONES . .	<i>or</i> WILLIAM DAVID .	High Elms, Wilts	Esquire.
MERTON .	<i>or</i> Hon. GEORGE TRA- VIS, commonly called Viscount	Swanworth, Berks	Viscount.
SMITH . .	<i>or</i> HENRY SYDNEY .	72 High St., Bath	Attorney.

(Signed) A.B.
C.D.

(a) Inserted by the Corrupt and
Illegal Practices Act, 1883, s. 62, subs.
3 (p. 500). By the Returning Officer's
Act, 1875, a further notification is to
be added (p. 460).

35 & 36 Vict.
c. 33, Sched. II.

*Forms (Ballot
Paper.)*

Directions as to printing Ballot Paper.

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and, if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter may vote for candidate

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side, opposite the name of each candidate for whom he votes, thus X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

[*Editors' Note.*] These directions need only be substantially obeyed. A ballot paper marked with the name of the voter, or his initials, or his number on the register, is bad; but a single stroke, or a star, or a blurred cross, and much more two or three crosses, are all good, in the absence of evidence of corrupt pre-arrangement: *Woodward v. Sarsons*, L. R. 10 C. P. 733; 44 L. J. C. P. 293, dissenting from *Haswell v. Stewart*, 2 O'Malley and Hardcastle, 215, which would not be followed in English Courts.

A mark on the left of the line is good: see *Sheil v. Ennis*, 8 Ir. C. L. 240; but a mark on the back only is bad: see *McLaren v. Hone*, 3 O'Malley and Hardcastle, 182.

Form of Statutory Declaration of Secrecy.

I solemnly promise and declare, That I will not at this election for do anything forbidden by section four of The Ballot Act, 1872, which has been read to me.

Note.—The section must be read to the declarant by the person taking the declaration.

35 & 36 Vict.
c. 33.

Form of Declaration of inability to read.

I, *A.B.*, of _____, being numbered _____ on the Register
of Voters for the county [*or borough*] of _____, do hereby
declare that I am unable to read.

A.B., his mark.

_____ day of _____
I, the undersigned, being the presiding officer for the
polling station for the county [*or borough*] of _____, do hereby
certify that the above declaration, having been first read to the above-
named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*
Presiding officer for _____ polling station
for the county [*or borough*] of _____
day of _____.

THIRD SCHEDULE.

Provisions of Registration Acts referred to in Part III. of the
foregoing Act.

Session and Chapter.	Title.	Part applied.
<i>As to England.</i>		
6 & 7 Vict. c. 18 .	An Act to amend the law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain pro- ceedings in the elections of members to serve in Parliament for England and Wales.	Sections eighty-five to eighty-nine, both inclusive.

FOURTH SCHEDULE.

[See s. 32,
p. 440.]

Acts relating to England.

NOTE.—This schedule, so far as respects Acts prior to the tenth year of
the reign of George the Third, refers to the edition prepared under
the direction of the Lord Chancellor, intituled “The Statutes, Revised
Edition.”

A description or citation of a portion of an Act is inclusive of the words,
section, or other part first or last mentioned, or otherwise referred to
as forming the beginning or as forming the end of the portion com-
prised in the description or citation.

Portions of Acts which have already been specifically repealed, are in some
instances included in the repeal in this schedule, in order to preclude
henceforth the necessity of looking back to previous Acts.

35 & 36 Vict.
c. 33,
Sched. IV.

*Enactments re-
pealed by
Ballot Act.*

7 Hen. 4. Chapter fifteen.

8 Hen. 6. Chapter seven, from “and such as have the greatest number” to “shall lose their wages” and from “and that in every writ that shall hereafter go forth” to the end of the chapter.

23 Hen. 6. Chapter fourteen.

7 & 8 Will. 3, c. 25. (An Act for the further regulating elections of members to serve in Parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members.) Sections three and four, and section five down to “writing the same.”

(a) 10 Will. 3, c. 7. (An Act for preventing irregular proceedings of sheriffs and other officers in making the returns of members chosen to serve in Parliament.) So much as is unrepealed.

2 Geo. 2, c. 24. (An Act for the more effectual preventing bribery and corruption in the elections of members to serve in Parliament.) Sections three and nine.

18 Geo. 2, c. 18. (An Act to explain and amend the laws touching the elections of knights of the shire to serve in Parliament for that part of Great Britain called England.) Section five from “or shall vote more than once,” to the end of that section, and sections nine to sixteen.

19 Geo. 2, c. 28. (An Act for the better regulating of elections of members to serve in Parliament for such cities and towns in that part of Great Britain called England as are counties of themselves.) Section four, from “or shall vote more than once,” to end of that section, and sections six to twelve.

3 Geo. 3, c. 15. (An Act to prevent occasional freemen from voting at elections of members to serve in Parliament for cities and boroughs.) Section seven.

11 Geo. 3, c. 55. (*An Act the title of which begins with the words “An Act to incapacitate,” and ends with the words “New Shoreham, in the county of Sussex.”*) The whole Act.

21 Geo. 3, c. 54. (An Act for the better regulating elections of citizens to serve in Parliament for the city of Coventry.) Sections seven to nine and fourteen.

22 Geo. 3, c. 31. (An Act for the preventing of bribery and corruption in the election of members to serve in Parliament for the borough of Cricklade in the county of Wilts.) The whole Act.

25 Geo. 3, c. 84. (*An Act the title of which begins with the words “An Act to limit the duration,” and ends with the words “to serve in Parliament.”*) The whole Act, except section one down to “make a return of such person or persons,” and section three in so far as that part of a section and section relate to the Universities.

33 Geo. 3, c. 64. (*An Act the title of which begins with the words “An Act to explain and amend an Act,” and ends with the words “time and place of election.”*) The whole Act, except so far as it relates to the Universities.

34 Geo. 3, c. 73. (An Act for directing the appointment of Commissioners to administer certain oaths and declarations required by law to be taken and made by persons offering to vote at the election of members to serve in Parliament.) The whole Act.

42 Geo. 3, c. 62. (An Act for extending the provisions of an Act made in the thirty-fourth year of the reign of his present Majesty, intituled “An Act for directing the appointment of Commissioners to administer certain oaths and declarations required by law to be taken and made by persons offering to vote at the election of members to serve

(a) 10 & 11 Will. 3, in running headings in ordinary editions.

35 & 36 Vict.
c. 33.

- in Parliament," to all oaths now required by law to be taken by voters at elections for members to serve in Parliament.) The whole Act.
- 43 Geo. 3, c. 74. (An Act for further regulating the administration of the oath or affirmation required to be taken by electors of members to serve in Parliament, by an Act passed in the second year of King George the Second, intituled "An Act for the more effectual preventing bribery and corruption in the election of members to serve in Parliament.") The whole Act.
- 44 Geo. 3, c. 60. (An Act for the preventing of bribery and corruption in the election of members to serve in Parliament for the borough of Aylesbury in the county of Buckingham.) The whole Act.
- 11 Geo. 4 & 1 Will. 4, c. 74. (An Act to prevent bribery and corruption in the election of burgesses to serve in Parliament for the borough of East Retford.) The whole Act.
- 2 & 3 Will. 4, c. 45. (An Act to amend the representation of the people in England and Wales.) Sections fifty-eight to sixty; sections sixty-two, sixty-three, sixty-five, sixty-seven; part of section sixty-eight, namely, from "shall if required thereby" down to "poll at each compartment, and," and from "and in case the booths shall be situated in different places" to "lawfully closed;" and section sixty-nine; and section seventy-one from "and that all deputies" to "candidates at such election," and from "provided also, that the sheriff" to the end of the section; and sections seventy-two, seventy-three, and seventy-four.
- 2 & 3 Will. 4, c. 64. (An Act to settle and describe the divisions of counties and the limits of cities and boroughs in England and Wales, in so far as respects the election of members to serve in Parliament.) Sections twenty-nine to thirty-three, and so much of section thirty-four as relates to taking the poll.
- 5 & 6 Will. 4, c. 36. (An Act to limit the time of taking the poll in boroughs at contested elections of members to serve in Parliament to one day.) The whole Act, except section two, down to "in the forenoon," and from "and the polling" to "in the afternoon;" and sections seven to nine.
- 5 & 6 Will. 4, c. 76. (An Act to provide for the regulation of municipal corporations in England and Wales.) The words "openly assemble and" in section thirty; section thirty-two from "by delivering to the mayor and assessors" to the end of that section, and so much of the rest of that section as relates to assessors; section thirty-three from "and shall be so divided" to "poll at each compartment, and," and from "and in case the booths" to "at each place;" the words "Are you the person whose name is signed as A.B. to the voting paper now delivered in by you" in section thirty-four, and section thirty-five from "and the mayor shall cause the voting papers" to end of that section, and so much of the rest of that section as relates to assessors; and so much of sections forty-three, forty-four, and forty-six as relates to assessors.
- 6 & 7 Will. 4, c. 102. (An Act for rendering more easy the taking the poll at county elections.) The whole Act.
- 6 & 7 Vict. c. 18. (An Act to amend the law for the registration of persons entitled to vote and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales.) Section seventy-nine from "Provided always, that it shall not be lawful" to end of that section; section eighty; so much of section eighty-one as relates to a commissioner or commissioners; sections eighty-three, eighty-four, and

35 & 36 Vict.
c. 33,
Sched. IV.

*Enactments
repealed by
Ballot Act.*

- ninety-one, sections ninety-four to ninety-six, and sections ninety-eight and ninety-nine.
- 16 & 17 Vict. c. 15. (An Act to limit the time of taking the poll in counties at contested elections for knights of the shire to serve in Parliament in England and Wales to one day.) The whole Act, except section two, down to “in the afternoon of such day,” and section three.
- 16 & 17 Vict. c. 68. (An Act to limit the time for proceeding to election in counties and boroughs in England and Wales, and for polling at elections for the Universities of Oxford and Cambridge, and for other purposes.) Sections two, three, seven, and eight.
- 17 & 18 Vict. c. 102. (“The Corrupt Practices Prevention Act, 1854.”) Section eleven and Schedule B.
- 22 Vict. c. 35. (“The Municipal Corporation Act, 1859.”) So much of section seven as relates to the form of nomination paper, and so much of section eight as relates to assessors.
- 25 & 26 Vict. c. 95. (An Act to amend the law relating to polling places in the boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford.) The whole Act.
- 30 & 31 Vict. c. 102. (“The Representation of the People Act, 1867.”) Section thirty-five; section thirty-seven from “where in any place” to end of that section; section thirty-nine.
- 31 & 32 Vict. c. 58. (“The Parliamentary Electors Registration Act, 1868.”) Sections four to sixteen, twenty-four, twenty-six, thirty-four, and thirty-six.
- 31 & 32 Vict. c. 125. (“The Parliamentary Elections Act, 1868.”) Section forty from “provided always,” to the end of that section.

FIFTH SCHEDULE.

[Scotland.]

SIXTH SCHEDULE.

[Ireland.]

38 & 39 Vict.
c. 84.

38 & 39 Vict. c. 84. Parliamentary Elections (Returning Officer's Expenses) Act, 1875. An Act to regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections.

[13th August, 1875.]

SECTION	PAGE
1. Construction of Act	457
2. Payments to returning officers	457
3. Returning officer may require deposit or security	457
4. The accounts of a returning officer may be taxed	458
5. Claims against a returning officer	459
6. Use of ballot boxes, &c., provided for municipal elections	459
7. Notices by returning officers	459
8. Saving of the universities	459
9. Duration of Act	459
10. Short title	459
11. Not to apply to Scotland	459
Schedules I.—Returning officer's expenses	460
„ II.—Notification in notice of election	463
„ III.—Maximum security	464

“Whereas it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections :” BE IT ENACTED, as follows :

38 & 39 Vict.
c. 84.

1. The Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

Construction
of Act.

This Act shall apply only to parliamentary elections.

2. The returning officer at an election shall be entitled to his reasonable charges, not exceeding the sums mentioned in the first schedule to this Act,* in respect of services and expenses of the several kinds mentioned in the said schedule, which have been properly rendered or incurred by him for the purposes of the election.

Payments to
returning
officers.

* p. 460.

The amount of such charges shall be paid by the candidates at the election in equal several shares, or where there is only one candidate, by such candidate. If a candidate is nominated without his consent, the persons by whom his nomination is subscribed shall be jointly and severally liable for the share of the charges for which he would be liable if he were nominated with his consent.

By candidates.

A returning officer shall not be entitled to payment for any other services or expenses, or at any greater rates than as in the said schedule mentioned, any law or usage to the contrary notwithstanding.

3. The returning officer, if he think fit, may, as hereinafter provided, require security to be given for the charges which may become payable under the provisions of this Act in respect of any election.

Deposit or
security for
expenses.

The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the third schedule to this Act.†

† p. 464.

Where security is required by the returning officer it shall be apportioned and given as follows; viz.,

(1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security;

Apportioning
security among
candidates.

(2.) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him :

Giving
security.

(3.) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872 :

Effect of not
giving.

(4.) A tender of security in respect of a candidate may be made by any person :

38 & 39 Vict.
c. 84.

Returning Officer's expenses.

Deposit of gold
or bank-notes.

Returning
balance.

(5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or borough for which the election is held, or, with the consent of the returning officer, in any other manner :

(6.) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

In *Davies v. Lord Kensington*, L. R. 9 Q. P. 720, it had been held before this Act that security could not be insisted on.

Returning
officer's bill of
charges.

4. Within twenty-one days after the day on which the return is made of the persons elected at the election, the returning officer shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, or any agent of such person, to inspect and take copies of the vouchers.

Vouchers.

Taxation.

The returning officer shall not be entitled to any charges which are not duly included in his account.

If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the court as defined in this section for a taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

Court to tax.

The court for the purposes of this Act shall be in the city of London the Lord Mayor's Court, and elsewhere in England the County Court, and in Ireland the Civil Bill Court, having jurisdiction at the place of nomination for the election to which the proceedings relate.

The court may depute any of its powers or duties under this Act to the registrar or other principal officer of the court.

Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.

By s. 82 of the Corrupt and Illegal Practices Act, 1885, p. 480, the bill of charges is to be sent to the election agent.

5. Every person having any claim against a returning officer for work, labour, material, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of election expenses, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

38 & 39 Vict.
c. 84.

Claims against
returning
officer within
fourteen days.

Where application is made for taxation of the accounts of a returning officer, he may apply to the court as defined in this Act to examine any claim transmitted to him by any person in pursuance of this section, and the court after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

Court may try
or tax.

6. In any case to which the fourteenth section of the Ballot Act, 1872,* is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

Use of ballot
boxes, &c.,
provided for
municipal
elections.

* p. 438.

7. There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification contained in the second schedule† to this Act with respect to claims against returning officers.

Notice addi-
tional by
returning
officer.

† p. 463.

8. Nothing in this Act shall apply to an election for any university or combination of universities.

Saving for
universities.

9. This Act shall come into operation on the first day of October, 1875, and continue in force until the 31st day of December, 1880, and no longer, unless Parliament shall otherwise determine.

Commence-
ment and
duration of
Act.

The Act has been continued from time to time by "Expiring Laws Continuance Acts."

10. This Act may be cited for all purposes as the "Parliamentary Elections (Returning Officers) Act, 1875."

Short title.

11. This Act shall not apply to Scotland.

38 & 39 Vict.
c. 84.

[See s. 2,
p. 457.]

SCHEDULES.

FIRST SCHEDULE.

CHARGES OF RETURNING OFFICERS.

The following are the maximum charges to be made by the returning officer, but the charges are in no case to exceed the sums actually and necessarily paid or payable.

PART I.—COUNTIES AND DISTRICT OR CONTRIBUTORY BOROUGHES.

This Part of this Schedule applies to an election for a county, or for either of the boroughs of Aylesbury, Cricklade, Monmouth, East Retford, Stroud, and New Shoreham, or for any borough or burgh consisting of a combination of separate boroughs, burghs, or towns.

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	1	0
For travelling to and from the place of nomination, or of declaring the poll at a contested election, per mile.	0	1	0
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.		
For constructing a polling station, with its fittings and compartments, in England. (a) And in Ireland the sum or sums payable under the provisions of the 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33. In Ireland the returning officer shall use a court house where one is available as a polling station, and his maximum charge for using and fitting the same shall in no case exceed three pounds three shillings.	7	7	0
For each ballot box required to be purchased	1	1	0
For the use of each ballot box, when hired	0	5	0
For stationery at each polling station	0	10	0
For printing and providing ballot papers, per thousand.	1	10	0
For each stamping instrument	0	10	0

(a) By the Reform Act, s. 71 (p. 400), the cost of all the polling stations in one polling place is not to exceed £40 in counties, £25 in boroughs.

	£ s. d.	38 & 39 Vict. c. 84.
For copies of the register	The sums payable by statute for the neces- sary copies.	
For each presiding officer	3 3 0*	* Now "four guineas" in county consti- tuencies (48 & 49 Vict. c. 62, s. 4), p. 520.
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1 1 0†	† Now "thirty shillings" in county consti- tuencies (ib.).
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such polling station.	1 1 0†	
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not ex- ceed 3,000, and one for every additional 2,000 electors.	1 1 0	
For making the return to the clerk of the Crown.	1 1 0	
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices £20, and £1 for every additional 1,000 elec- tors above 3,000.	
For conveyance of ballot boxes from the poll- ing stations to the place where the ballot papers are to be counted, per mile.	0 1 0	
For professional and other assistance in and about the conduct of the election.	In a contested election not exceeding £25, and an additional £3 for every 1,000 registered elec- tors or fraction thereof above 3,000 and up to 10,000, and £2 for every 1,000 or fraction thereof above 10,000. In an uncontested elec- tion, one-fifth of the above sums.	
For travelling expenses of presiding officers and clerks, per mile.	0 1 0	
For services and expenses in relation to receiving and publishing accounts of elec- tion expenses, in respect of each candidate.	2 2 0	
For all other expenses	In a contested election, not exceeding £10, and an additional £1 for every 1,000 electors or fraction thereof above 1,000. In an uncon- tested election, nil.	

NOTE.—*Travelling expenses are not to be allowed in the case of any person unless for distances exceeding two miles from the place at which he resides.*

38 & 39 Vict.
c. 84, Sched. I.

Returning Offi-
cer's expenses.

[See s. 2,
p. 457.]

PART II.—BOROUGHES.

*This part of the Schedule applies to all Boroughs not included in Part I.
of this Schedule.*

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	0	0
For hire or necessary fitting up of rooms or buildings for polling, or damages or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.		
In England, for constructing a polling station, with its fittings and compartments, not exceeding two in number.	7	7	0
For each compartment required to be constructed, when more than two are used.	1	1	0
For the use of each compartment hired, when more than two are used.	0	5	0
And in Ireland, in lieu of the charges payable in respect of the foregoing last three services, the sum or sums payable under the provisions of 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33.			
For each ballot box required to be purchased.	1	1	0
For the use of each ballot box, when hired .	0	5	0
For stationery at each polling station . .	0	10	0
For printing and providing ballot papers, per thousand.	1	10	0
For each stamping instrument	0	10	0
For copies of the register	The sums payable by statute for the necessary copies.		
For each presiding officer	3	3	0
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1	1	0
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such station.	1	1	0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1	1	0
For making the return to the clerk of the Crown.	1	1	0

	£ s. d.	38 & 39 Vict. c. 84.
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices £10, and £1 for every additional 1,000 elec- tors above 1,000.	
For professional and other assistance in and about the conduct of the election.	In a contested election, not exceeding £20, an additional £2 for every 1,000 registered electors or fraction thereof above 1,000 and up to 10,000, and £1 additional for every 1,000 or fraction thereof above 10,000. In an uncontested elec- tion one-fifth of the above sum.	
For services and expenses in relation to re- ceiving and publishing accounts of election expenses, in respect of each candidate.	1 1 0	
For all other expenses	Not exceeding £10, and an additional £1 for every 1,000 electors above the first 1,000.	

NOTE to PARTS I. and II. of SCHEDULE I.

The above sums are the aggregate charges, the amount of which is to be apportioned among the several candidates or other persons liable for the same.

SECOND SCHEDULE.

1. NOTIFICATION to be added to the NOTICE of ELECTION.

Take notice, that by the Parliamentary Elections (Returning Officers) Act, 1875, it is provided that every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election (except for publications of account of election expenses), shall, within, fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

38 & 39 Vict.
c. 84,
Sched. III.

THIRD SCHEDULE.
MAXIMUM Amount of SECURITY which may be required by a RETURNING OFFICER.

	County or District of Contributory Borough.	Borough.
	£	£
Where the registered electors do not exceed 1,000	150	100
Where the registered electors exceed 1,000 but do not exceed 2,000.	200	150
Where the registered electors exceed 2,000 but do not exceed 4,000.	275	200
Where the registered electors exceed 4,000 but do not exceed 7,000.	400	250
Where the registered electors exceed 7,000 but do not exceed 10,000.	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000.	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000.	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000.	900	600
Where the registered electors exceed 30,000	1,000	700

* Now
“twenty-five pounds,” see
48 & 49 Vict.
c. 62, s. 2,
p. 520.

If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is *one-fifth of the maximum according to the above scale.**

45 & 46 Vict.
c. 50.

45 & 46 Vict. c. 50. Municipal Corporations Act, 1882.

Mayor of
municipal
borough to
be returning
officer.

244. (1.) In boroughs, other than cities and towns being counties of themselves, the mayor shall be the returning officer at Parliamentary elections; but this provision shall not extend to the borough of Berwick-upon-Tweed.

(2.) If there are more mayors than one within the boundaries of a parliamentary borough, the mayor of that borough to which the writ of election is directed shall be the returning officer.

(3.) If when a mayor is required to act as returning officer, the mayor is absent, or incapable of acting, or there is no mayor, the council shall forthwith choose an alderman to be returning officer.

This section is a re-enactment of part of s. 57 of the Municipal Corporations Act, 1835, 4 & 5 Will. 4, c. 76.

In boroughs being counties of themselves the sheriff is returning officer.
The Redistribution Act, 1885, s. 12, subs. 4, *post.*, provides that in case of boroughs with more than one mayor, the writ shall be directed to the mayor who received the writ before, or to the mayor of the borough with the largest population.

46 & 47 Vict. c. 51.

46 & 47 Vict.
c. 51.

CORRUPT AND ILLEGAL PRACTICES PREVENTION ACT, 1883.

An Act for the better prevention of Corrupt and Illegal Practices at Parliamentary Elections.
[25th August, 1883.]

TABLE OF CONTENTS.

SECTION	PAGE
1. Definition of treating	466
2. Definition of undue influence	467
3. Definition of corrupt practice	467
4. Result of candidate being found guilty of bribery, &c.	468
5. Result of candidate being found guilty by agent of corrupt practice.	468
6. Result of conviction on indictment for corrupt practice	469
<i>Illegal Practices.</i>	
7. Payments for conveyance of voters, use of house for bills, committee rooms, &c.	470
8. Payments in excess of scheduled maximum.	470
9. Voting though prohibited, and false statements of withdrawal	470
10. Result of conviction of illegal practice	471
11. Report of Election Court as to illegal practice	471
12. Report of Election Commissioners	472
<i>Illegal Payment, Employment, and Hiring.</i>	
13. Provision of money for prohibited purpose	472
14. Employment of public carriages	473
15. Corrupt withdrawal	473
16. Music, flags, ribbons, &c.	473
17. Employment of persons otherwise than as in Schedule I.	473
18. Printer to put his name on placards, &c.	474
19. Rights of innocent creditors	474
20. Use of inn, &c., or school for committee room	474
21. Summary conviction and fine	475
<i>Excuses and Exceptions.</i>	
22. Exoneration of candidate by Election Court	475
23. Exceptions by High Court or Election Court	475
24-6. Appointment of "Election Agent," agent, and sub-agent	476
27. Contracts to be either by candidate or agents	478
28. Payments through agent	478
29. Vouchers, and period for sending in and paying claims	479
30. Taxation of claims	480
31. Personal expenses of candidate	480
32. Payment of election agent and returning officer	480
33. Return and declaration of expenses	481
34. Excuse for not making return on declaration	482
35. Publication by returning officer of return of expenses	484

46 & 47 Vict. c. 51.	<i>Disqualification of Electors.</i>		
	SECTION		PAGE
	36, 37. Prohibition from voting		484
	38. Hearing before disqualification		485
	39. "Corrupt and Illegal Practices List"		487
	<i>Justice of the Peace, Barrister, Solicitor, or Licensed Person, how to be dealt with.</i>		
	40-44. Trial, &c., of election petition		488
	45. Inquiry by Public Prosecutor		494
	46. Removal of incapacity procured by perjury		494
	47. Polling districts and places		494
	48. Conveyance of voters by sea		495
	<i>Legal Proceedings.</i>		
	50. Trial in Central Criminal Court		495
	51. Limitation of time for prosecution		496
	52. Persons charged with corrupt may be found guilty of illegal practice		496
	53. Application of Act of 1854, &c.—Evidence of defendant		496
	54. Summary convictions and appeal		497
	55. Application of Summary Jurisdiction and Indictable Offences Acts		497
	56. Jurisdiction of High Court		497
	57. Public Prosecutor and expenses of prosecution		498
	58. Recovery of costs from county or borough		498
	59. Obligation of witness to answer		499
	60. Attorney-General		499
	61. Breach of duty by returning, presiding, or registration officer		500
	62. Publication of notices, and service of notice, &c.		500
	63. Definition of "candidate"		500
	64. Interpretation clause		501
	65. Short titles of Acts		503
	66. Repeal of Acts		503
	70. Duration of Act		503
	<i>SCHEDULES.</i>		
	I.—1. Persons legally employed		504
	2. Legal additional expenses		505
	3. Maximum for matters not specified		505
	4. Maximum scale		505
	5. General provisions as to joint candidature, &c.		506
	II.—Forms of		
	Declarations by candidate as to expenses		507
	Declarations by agent as to expenses		507
	Return of expenses, &c.		508
	III.—Corrupt Practices Prevention Acts		511
	IV.—Short titles of Acts		513
	V.—Acts repealed		514

BE IT ENACTED, as follows :—

Corrupt Practices.

What is treating.

Active.

1. Whereas under section four of the Corrupt Practices Prevention Act, 1854, persons other than candidates at parliamentary elections are not liable to any punishment for treating, and it is expedient to make such persons liable; be it therefore enacted in substitution for the said section four as follows :—
(1.) Any person who corruptly by himself or by any other

person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

46 & 47 Vict.
c. 51.

- (2.) And every elector who corruptly accepts or takes any such meat, drink, or entertainment, or provision shall also be guilty of treating. Passive.

Section 4 of the Corrupt Practice Act, 1854, is repealed by this Act. The alteration in the law by this section is that "any person," and not merely a candidate by himself or his agent, as formerly, may be guilty of active treating, and any elector may be guilty of passive treating. Treating is a "corrupt practice" (s. 3), and punishable under ss. 4, 5, and 6. Under s. 5 treating by an agent avoids the election, and by a candidate under s. 4.

2. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict, or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

What is undue
influence.

This is a reproduction of the definition of the repealed s. 5 of the Act of 1854, with the addition of the words "temporal or spiritual" inserted, to enforce the decision of Mr. Justice Keogh in *Galway County, 2 O'Malley and Hardcastle*, 54.

Undue influence is by s. 3 a corrupt practice, and is punishable under ss. 4, 5, and 6. Undue influence by a candidate by s. 4, and by an agent by s. 5, avoids the election.

3. The expression "corrupt practice" as used in this Act means any of the following offences; namely, treating and undue influence, as defined by this Act, and bribery and personation, as defined by the enactments set forth in Part III.* of the third schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation, and every offence which is a corrupt practice within the meaning of this Act shall be a corrupt practice within the meaning of the Parliamentary Elections Act, 1868.†

What is
corrupt
practice.

* p. 512.

† p. 522.

The enactments in the schedule supply the definition of bribery proper under the Act of 1852, corrupt payment of rates under the Representation of the People Act, 1867, and of personation under the Ballot Act. A false declaration of expenses is (p. 482) deemed a corrupt practice.

46 & 47 Vict.
c. 51.

*Corrupt
Practices.*

Punishment
of candidate
found, on
election peti-
tion, guilty
personally
or by sanction
of corrupt
practices.

* p. 527.

Permanent
disqualifica-
tion for
constituency.

Election void.

4. Where upon the trial of an election petition respecting an election for a county or borough the election court, by the report made to the Speaker in pursuance of section eleven of the Parliamentary Elections Act, 1868,* reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough, and if he has been elected, his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice.

The report referred to is not the certificate of the result of the election petition which is given under subs. 13 of s. 11 of the Parliamentary Elections Act, 1868, but the report given under subs. 12. As this section requires the report as a condition precedent to avoiding the election, the certificate of the result may declare the election valid, but the effect of the report may be to avoid it, as for example, in cases of treating by a candidate not the ground of avoiding an election previously to this Act, but so made by this Act, also in case of an illegal practice made for the first time a ground of avoiding an election. Probably the difficulty would be surmounted by the judge making the formal "certificate of result" subject to his "report," and making after the report a declaration that by reason of the "report" the election is void, or he may leave the report to have its legal effect unassisted.

Punishment
of candidate
found, on
election peti-
tion, guilty
by agents of
corrupt
practices.

Seven years'
disqualifica-
tion for
constituency.

Election void.

5. Upon the trial of an election petition respecting an election for a county or borough, in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the Speaker whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election; and if the report is that any candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for such county or borough for seven years after the date of the report, and if he has been elected his election shall be void.

Agents.] The question of agency has been dealt with in numerous cases (see Rogers on Elections, ch. xiv.), of which the result would seem to be that agency at elections is to be more readily implied than agency under other relations. See per Blackburn, J., in the *Taunton Case* (No. 1), (1 O'Malley and Hardcastle 182), and per Grove, J., in the *Taunton Case* (No. 2), (2 O'Malley and Hardcastle, 73). Agency would not be conclusively implied from the acts of messengers and others, whose employment is expressly authorized by s. 17 (see the *Windsor Case*, 1 O'M. & H. 3); though agency would be more readily implied from the acts of such persons than from the acts of *unpaid* canvassers and other supporters, who are ordinarily not agents, unless they be committee men (see the *Wakefield Case*, 2 O'M. & H. 102) recognised as such by the candidate (the *Westminster Case*, 1 O'M. & H. 91), or otherwise recognised as working for him (the *Staleybridge Case*, 1 O'M. & H. 69). From these and other cases it appears obvious that the question is

always one of fact and degree to be decided by the Election Judge, without any obligation to state a case for the High Court; nor has any such been yet stated.

46 & 47 Vict.
c. 51.

6. (1.) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a misdemeanor, and on conviction on indictment shall be liable to be imprisoned, with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding two hundred pounds.

Punishment
of person
convicted on
indictment
of corrupt
practices.

(2.) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall be guilty of felony, and any person convicted thereof on indictment shall be punished by imprisonment for a term not exceeding two years, together with hard labour.

Convicted of
personation.

(3.) A person who is convicted on indictment of any corrupt practice shall (in addition to any punishment as above provided) be not capable during a period of seven years from the date of his conviction:

Disqualifica-
tions:

(a.) of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act; or

as elector;

(b.) of holding any public or judicial office within the meaning of this Act, and if he holds any such office the office shall be vacated.

as public
officer;

(4.) Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.

as member.

Illegal Practices.

7. (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

Illegal
payments.

(a.) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

For con-
veyances.

(b.) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or

For use of
premises.

(c.) on account of any committee room in excess of the number allowed by the First Schedule to this Act.

For excessive
committee
rooms.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment

Payer and
receiver guilty.

46 & 47 Vict.
c. 51, s. 7.

*Illegal
Payments.*

Saving for
advertising
agents.

Expense in
excess of
maximum
to be illegal
practice.

Voting by
prohibited
persons and
inducing them
to vote.

Publishing
false state-
ment of
withdrawal
of candidate.

or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

The penalties for illegal practices are on conviction provided by s. 10, on report of election judge by s. 11, and include avoiding the election. As to the exception referred to in subs. 2, see s. 23. As to conveying voters by sea, see s. 48. Lending private carriages gratuitously is not forbidden, but lending hackney carriages gratuitously is illegal by s. 14 (p. 473).

8. (1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in the first schedule to this Act.

(2.) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

As to allowance of exceptions, see s. 23 (p. 476). An expense made illegal by this Act could not be sued for, nor recovered if paid, with knowledge of the facts (see s. 19).

9. (1.) If any person votes or induces or procures any person to vote at any election, knowing that he or such person is prohibited, whether by this or any other Act from voting at such election, he shall be guilty of an illegal practice.

(2.) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed by his agent other than his election agent.

As to subs. 1, the person in question must both be prohibited as distinguished from merely disqualified, and the prohibition must be by statute. For a list of incapacities, see note to s. 3 of the Representation People Act, 1867, p. 36. Of the persons incapacitated therein mentioned as incapacitated by statute, the phraseology of the statute varies in almost every case. Whether the incapacity amounts to a prohibition depends on the construction of those words in each case. Infants are clearly prohibited by the terms of 7 & 8 Will. 3, c. 25, p. 5, and where the incapacity is accompanied by a penalty, as in the case of Metropolitan Police under 10 Geo. 4, c. 44, s. 18, p. 12, and election agents, clerks, and others for reward under s. 11 of the Representation People Act, 1867, p. 40, there would also seem to be a prohibition. Persons in receipt of parochial relief are by s. 36 of the Act of 1832, p. 25, only "disentitled to be registered." Similarly aliens (33 Vict. c. 14, p. 51). The prohibitions from voting in this statute are to be found in ss. 36 and 37 p. 484).

10. A person guilty of an illegal practice, whether under the foregoing sections or under the provisions hereinafter contained in this Act, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act) held for or within the county or borough in which the illegal practice has been committed.

46 & 47 Vict.
c. 51.

Punishment
on conviction
of illegal
practice.

As to mode of prosecution and appeal to Quarter Sessions, see s. 54, p. 497.
For definition of public office, see s. 54, p. 502.

11. Whereas by sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868,* it is provided that where a charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall report in writing to the Speaker as follows:—

Election Court
to report on
illegal prac-
tice, as on
corrupt
practice.

* p. 527.

- (a.) "Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice;
- (b.) "The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice;
- (c.) "Whether corrupt practices have, or whether there is reason to believe corrupt practices have, extensively prevailed at the election to which the petition relates";

And whereas it is expedient to extend the said sub-section to illegal practices:

Be it therefore enacted as follows:—

Subsection fourteen of section eleven of the Parliamentary Elections Act, 1868,† shall apply as if that subsection were herein re-enacted with the substitution of illegal practice within the meaning of this Act for corrupt practice; and upon the trial of an election petition respecting an election for a county or borough, the election court shall report in writing to the Speaker the particulars required by the said subsection as herein re-enacted, and shall also report whether any candidate at such election has been guilty by his agents of any illegal practice within the meaning of this Act in reference to such election, and the following consequences shall ensue upon the report by the election court to the Speaker; (that is to say,)

† p. 527.

- (a.) If the report is that any illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough for seven years next after the date of the report, and if he has been elected

Punishment
of candidate
found guilty
with know-
ledge.

46 & 47 Vict.
c. 51, s. 11.

*Report of
Election Court.*

Guilty by
agents.

his election shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice; and

- (b.) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the said Parliament for which the election was held, and if he has been elected, his election shall be void.

An illegal practice by this section avoids the election like a corrupt practice. For the definition of an illegal practice, see s. 7.

Election
Commissioners
to inquire
into illegal
practices.

12. Whereas by the Election Commissioners Act, 1852, as amended by the Parliamentary Elections Act, 1868, it is enacted that where a joint address of both Houses of Parliament represents to her Majesty that an election court has reported to the Speaker that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at an election in any county or borough, and prays her Majesty to cause inquiry under that Act to be made by persons named in such address (being qualified as therein mentioned), it shall be lawful for her Majesty to appoint the said persons to be election commissioners for the purpose of making inquiry into the existence of such corrupt practices:

And whereas it is expedient to extend the said enactments to the case of illegal practices:

Be it therefore enacted as follows:—

When election commissioners have been appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same, they may make inquiries and act and report as if “corrupt practices” in the said Act and the enactments amending the same included illegal practices; and the Election Commissioners Act, 1852, shall be construed with such modifications as are necessary for giving effect to this section, and the expression “corrupt practice” in that Act shall have the same meaning as in this Act.

Illegal Payment, Employment, and Hiring.

Illegal
payments.

13. Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

For payments contrary to Act see ss. 7, 8, and 16.

14. (1.) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of an illegal hiring.

46 & 47 Vict.
c. 51.

Lending
hackney car-
riages, or
carriages kept
for hire, to be
illegal hiring.

(2.) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal hiring.

Borrowing
the same.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors at their joint cost, for the purpose of being conveyed to or from the poll.

Saving for
hiring by
electors.

(4.) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

Conveyances
without
reward.

By s. 7 (p. 469) paying for conveyances is an illegal practice.

15. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Corrupt
withdrawal
from a candi-
dature.

As to withdrawal from candidature, see s. 1 of Ballot Act, p. 431.

16. (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

Payments
for bands,
cockades, &c.,
forbidden.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

Payments
therefor
illegal.

The gift by a candidate of the things mentioned in suba. 1 is forbidden by s. 7 of Act of 1854 (p. 415). For exceptions, see s. 22, *post*.

17. (1.) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any purposes or capa-

Promoters of
election in
unauthorized
capacity
forbidden.

46 & 47 Vict.
c. 51, s. 17.

*Illegal
Employment.*

* p. 504.

cities mentioned in the first or second parts of the first schedule to this Act, or except so far as payment is authorized by the first or second parts of the first schedule to this Act.*

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed contrary to law.

This section (1) restricts the capacities in which paid agents may be employed (thus entirely forbidding the employment of paid canvassers), and (2) restricts the number of paid agents who may be employed in authorized capacities. Hitherto, paid agents were only forbidden to vote (s. 11 of Act of 1867, p. 424). This section, of course, does not limit the "agents" for whom a candidate may be responsible to the persons allowed for hire (see s. 27, subs. 2, p. 478).

Name and
address of
printer on
placards.

18. Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice, and if he is not the candidate, or the election agent of a candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Fine.

This section is an extension of 32 & 33 Vict. c. 24 (re-enacting 2 & 3 Vict. c. 12, s. 2), that "every person who shall cause any paper to be published or dispersed who shall not print his name and abode therein," shall forfeit a sum not more than £5 a copy.

Saving for
creditors.

19. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

The ignorance must be in respect of facts, as *ignorantia juris neminem excusat*.

Licensed
premises,

20. (a.) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorized by a licence (whether the licence be for consumption on or off the premises), or

non-political
clubs,

(b.) Any premises where any intoxicating liquor is sold, or is supplied to members of a club, society, or association other than a permanent political club, or

refreshment
houses,

(c.) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises, or

(d.) The premises of any public elementary school in receipt of an annual parliamentary grant, or any part of any such premises, 46 & 47 Vict.
c. 51.

shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring:

schools,
not to be
committee
rooms.

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Proviso for
rooms with
separate
entrances.

21. (1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

Punishment
of illegal
payment,
employment,
or hiring.

(2.) A candidate or an election agent of a candidate who is personally guilty of an offence of illegal payment, employment, or hiring shall be guilty of an illegal practice.

Thus an illegal payment by an ordinary person is punishable by fine, but in the case of a candidate or his election agent it is an illegal practice, the consequences of which are given by ss. 11 and 12.

As to procedure and appeals, see s. 54 (p. 497).

Excuse and Exception for Corrupt or Illegal Practice or Illegal Payment, Employment, or Hiring.

22. Where, upon the trial of an election petition respecting an election for a county or borough, the election court reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further reports that the candidate has proved to the court—

On report of
candidate
guilty by
agents,

(a.) That no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and

but contrary
to his and
agent's orders,

(b.) That such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and

reasonable
means taken
to prevent

(c.) That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and

trivial
offences

46 & 47 Vict.
c. 51, s. 22.

*Excuse and
Exception.*

election not
void.

If *prima facie*
illegal prac-
tice

arose from
accident,

and notice
of application
given,

Court may
relieve.

(d.) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

This section does not apply to bribery or personation.

23. Where, on application made, it is shown to the High Court or to an election court by such evidence as seems to the Court sufficient—

(a.) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being a payment, engagement, employment, or contract in contravention of this Act, or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act, or of otherwise being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and

(b.) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c.) that such notice of the application has been given in the county or borough for which the election was held as to the Court seems fit;

and under the circumstances it seems to the Court to be just that the candidate and the said election and other agent and person or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

The Court has power to excuse in case of *bond fide* inadvertence, accidental miscalculation, or similar cause in the person *prima facie* guilty of the illegal act. The section does not apply to corrupt practices, but is more extensive than the previous section in respect of applying to penal as well as electoral consequences. The courts of summary jurisdiction have no power to act under this section, but if a prosecution be commenced in such a Court, application for relief must be to the High Court.

Election Expenses.

Nomination
of election
agent.

24. (1.) On or before the day of nomination at an election, a person shall be named by or on behalf of each candidate as his agent for such election (in this Act referred to as the election agent).

(2.) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

46 & 47 Vict.
c. 51.

Candidate may
be his own.

(3.) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared.

In writing to
returning
officer.

(4.) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked, and in the event of such revocation or his death, whether such event is before, during, or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the returning officer, who shall forthwith give public notice of the same.

Re-nomination
on death or
revocation.

25. (1.) In the case of the elections specified in that behalf in the first schedule to this Act * an election agent of a candidate may appoint the number of deputies therein mentioned (which deputies are in this Act referred to as sub-agents), to act within different polling districts.

Election agent
may appoint
sub-agents.

* p. 504.

(2.) As regards matters in a polling district the election agent may act by the sub-agent for that district, and anything done for the purposes of this Act by or to the sub-agent in his district shall be deemed to be done by or to the election agent, and any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly; and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

In position of
election agent.

(3.) One clear day before the polling the election agent shall declare in writing the name and address of every sub-agent to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared.

Time for
nominating
sub-agents.

(4.) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of such revocation or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the returning officer, who shall forthwith give public notice of the same.

Revocation
or death.

46 & 47 Vict.
c. 51.

Offices for
election agent
and sub-agents.

For delivery
of notices.

Appointing
clerks, &c.,
through
election agent.

Expenses
otherwise
incurred not
recoverable.

All payments
by election
agent.

To election
agent.

26. (1.) An election agent at an election for a county or borough shall have within the county or borough, or within any county of a city or town adjoining thereto, and a sub-agent shall have within his district, or within any county of a city or town adjoining thereto, an office or place to which all claims, notices, writs, summons, and documents may be sent, and the address of such office or place shall be declared at the same time as the appointment of the said agent to the returning officer, and shall be stated in the public notice of the name of the agent.

(2.) Any claim, notice, writ, summons, or document delivered at such office or place and addressed to the election agent or sub-agent, as the case may be, shall be deemed to have been served on him, and every such agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction in the county or borough in which the said office or place is situate.

27. (1.) The election agent of a candidate by himself or by his sub-agent shall appoint every polling agent, clerk, and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2.) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself or by his election agent, either by himself or by his sub-agent; provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

28. (1.) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election or by any agent on behalf of the candidate or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise;

Provided that this section shall not be deemed to apply to a tender of security to or any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2.) A person who makes any payment, advance, or deposit in contravention of this section, or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

46 & 47 Vict.
c. 51.

Contravention,
illegal prac-
tice.

29. (1.) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

Vouchers for
all payments
above 40s.

(2.) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within the time limited by this Act shall be barred and shall not be paid; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of this enactment shall be guilty of an illegal practice.

Claims barred
by lapse of
time.

(3.) Except as by this Act permitted, the time limited by this Act for sending in claims shall be fourteen days after the day on which the candidates returned are declared elected.

14 days after
election.

(4.) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Act and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

Expenses paid
within limited
time,

otherwise,
illegal prac-
tice.

(5.) Except as by this Act permitted, the time limited by this Act for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidates returned are declared elected.

28 days after
election.

(6.) Where the election court reports that it has been proved to such court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

Saving for
candidate not
conniving.

(7.) If the election agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

Disputed
claims.

(8.) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act, requiring claims to be paid by the election agent.

Saving for
their payment
after judg-
ment.

46 & 47 Vict.
c. 51, s. 29.

Election Bills.

Leave of Court
to pay dis-
puted or
lapsed claims.

Saving for
their payment.

Reference to
taxation of
claim against
candidates.

Personal
expenses of
candidate up
to £100.

* p. 502.

Statement
thereof.

† p. 479.

Petty expenses.

Statement
thereof.

Remuneration
of election
agent.

(9.) On cause shown to the satisfaction of the High Court, such court on application by the claimant or by the candidate or his election agent may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(10.) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act.

30. If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court, on the application of the plaintiff in the action, otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

31. (1.) The candidate at an election may pay any personal expenses* incurred by him on account of or in connexion with or incidental to such election to an amount not exceeding one hundred pounds, but any further personal expenses so incurred by him shall be paid by his election agent.

(2.) The candidate shall send to the election agent within the time limited by this Act† for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3.) Any person may, if so authorized in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4.) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

32. (1.) So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

(2.) The account of the charges claimed by the returning officer in the case of a candidate and transmitted in pursuance of section four of the Parliamentary Elections (Returning Officers) Act, 1875,* shall be transmitted within the time specified in the said section to the election agent of the candidate, and need not be transmitted to the candidate.

46 & 47 Vict.
c. 51.

Returning
officer's
expenses.

* p. 459.

33. (1.) Within thirty-five days after the day on which the candidates returned at an election are declared elected, the election agent of every candidate at that election shall transmit to the returning officer a true return (in this Act referred to as a return respecting election expenses), in the form set forth in the second schedule to this Act † or to the like effect, containing as respects that candidate,—

Return and
declaration
respecting
election
expenses to
contain :

† p. 507.

(a.) A statement of all payments made by the election agent, together with all the bills and receipts (which bills and receipts are in this Act included in the expression "return respecting election expenses");

payments by
him with
vouchers ;

(b.) A statement of the amount of personal expenses (if any) paid by the candidate ;

candidate's
expenses ;

(c.) A statement of the sums paid to the returning officer for his charges, or, if the amount is in dispute, of the sum claimed and the amount disputed ;

returning
officer's
charges ;

(d.) A statement of all other disputed claims of which the election agent is aware ;

disputed
claims ;

(e.) A statement of all the unpaid claims (if any) of which the election agent is aware, in respect of which application has been or is about to be made to the High Court ;

unpaid claims.

(f.) A statement of all money, securities, and equivalent of money received by the election agent from the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received.

Cash received.

(2.) The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace in the form in the second schedule to this Act ‡ (which declaration is in this Act referred to as a declaration respecting election expenses).

Agent's
declaration.

‡ p. 507.

(3.) Where the candidate has named himself as his election agent, a statement of all money, securities, and equivalent of money paid by the candidate shall be substituted in the return required by this section to be transmitted by the election agent for the like statement of money, securities, and equivalent of money received by the election agent from the candidate ; and the declaration by an election agent respecting election expenses need not be made, and the declaration by the candidate respecting election expenses shall be modified as specified in the second schedule to this Act.

Candidate his
own agent.

46 & 47 Vict.
c. 51, s. 33.

*Declaration of
Expenses.*

Candidate's
declaration.

* p. 507.

Candidate not
to sit till
returns, &c.,
made.

(4.) At the same time that the agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by him before a justice of the peace, in the form * in the first part of the second schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(5.) If in the case of an election for any county or borough, the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county or borough until either such return and declarations have been transmitted, or until the date of the allowance of such an authorized excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit one hundred pounds for every day on which he so sits or votes to any person who sues for the same.

(6.) If without such authorized excuse as in this Act mentioned, a candidate or an election agent fails to comply with the requirements of this section he shall be guilty of an illegal practice.

False declara-
tion, perjury.

(7.) If any candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury; such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

Candidate
abroad.

(8.) Where the candidate is out of the United Kingdom at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorized in making such declaration shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

Supplemen-
tary return if
claims paid by
leave of Court.

(9.) Where, after the date at which the return respecting election expenses is transmitted, leave is given by the High Court for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorized excuse as in this Act mentioned.

Failure or
error in return,

34. (1.) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then—

(a.) if the candidate applies to the High Court or an election court and shows that the failure to transmit such return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or sub-agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or

46 & 47 Vict.
c. 51.

if due to
candidate's
illness or
agent's mis-
conduct, &c.,

(b.) if the election agent of the candidate applies to the High Court or an election court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness, or misconduct of any sub-agent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

or agent's
illness or sub-
agent's mis-
conduct, &c.,

the court may, after such notice of the application in the said county or borough, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

may be excused
by order of the
Court.

(2.) Where it appears to the court that any person being or having been election agent or sub-agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the court before making an order allowing the excuse as in this section mentioned shall order such person to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seem just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and may in default of compliance with any such order order him to pay a fine not exceeding five hundred pounds.

Court may
order other
person in
default to
make the
return.

(3.) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Act; and an order allowing an

Orders on
terms.

46 & 47 Vict.
c. 51, s. 34.

*Relief on
failure of
Return of
Expenses.*

Date of relief.

Summary of
return of
election
expenses by
returning
officer.

* p. 456.

Returns open
for inspection

for two years.

authorized excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

35. (1.) The returning officer at an election within ten days after he receives from the election agent of a candidate a return respecting election expenses shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected, and may charge the candidate in respect of such publication, and the amount of such charge shall be the sum allowed by the Parliamentary Elections (Returning Officers) Act, 1875.*

(2.) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during two years next after they are received by the returning officer be open to inspection by any person on payment of a fee of one shilling, and the returning officer shall on demand furnish copies thereof or any part thereof at the price of twopence for every seventy-two words. After the expiration of the said two years the returning officer may cause the said return and declarations (including the accompanying documents) to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

Disqualification of Electors.

Votes of
persons guilty
of corrupt
or illegal
practices void
and prohibited.

Votes of
persons con-
victed or
reported guilty
void.

36. Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is prohibited from voting at such election, and if any such person votes his vote shall be void.

If a prohibited person vote, or if any person procure a prohibited person to vote, he is guilty of an illegal practice under s. 9, p. 470.

37. Every person who, in consequence of conviction or of the report of any election court or election commissioners under this Act, or under the Corrupt Practices (Municipal Elections) Act,

1872, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

46 & 47 Vict.
c. 51.

For the consequences of prohibition, see preceding section.

38. (1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners, to have been guilty, at an election, of any corrupt or illegal practice, the court or commissioners, as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

Hearing of person before he is reported guilty of corrupt or illegal practice, and incapacity of person reported guilty.

(2.) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice may appeal against such report to the next court of oyer and terminer or gaol delivery held in and for the county or place in which the offence is alleged to have been committed, and such court may hear and determine the appeal; and subject to rules of court such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction, and the person so reported had been convicted by a court of summary jurisdiction for an offence under this Act, and notice of every such appeal shall be given to the director of public prosecutions in the manner and within the time directed by rules of court, and subject to such rules then within three days after the appeal is brought.

Appeal from Election Commissioners to Assizes.

(3.) Where it appears to the Lord Chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or gaol delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such case one of such judges shall proceed to the county or place in which the offences are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

Extra judge to hear appeals.

(4.) The provisions of the Parliamentary Elections Act, 1868, with respect to the reception and powers of and attendance on an election court, and to the expenses of an election court, and of receiving and accommodating an election court, shall apply as if such judge were an election court.

To be deemed election court.

(5.) Every person who after the commencement of this Act is reported by any election court or election commissioners to have

46 & 47 Vict.
c. 51, s. 38.

*Procedure
against pro-
fessional, &c.,
persons.*

Justice of the
peace reported
to be dealt with
by Chancellor.

Barristers and
solicitors, &c.,
reported to be
dealt with by
Inn of Court,
&c.

Licensed
persons

convicted of
bribery or
treating;

reported
guilty;

been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty: Provided that a report of any election commissioners inquiring into an election for a county or borough shall not avoid the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(6.) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the director of public prosecutions to report the case to the Lord High Chancellor of Great Britain with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being, or having been, mayor of a borough, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(7.) Where a person who is a barrister or a solicitor, or who belongs to any profession the admission to which is regulated by law, is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election whether such person has obtained a certificate of indemnity or not, it shall be the duty of the director of public prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(8.) With respect to a person holding a licence or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:—

(a.) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses.

(b.) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this Act as to a person having an opportunity of being heard by him-

self and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not it shall be the duty of the director of public prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed person obtained his licence, and such licensing justices shall cause such report to be entered in the proper register of licences.

46 & 47 Vict.
c. 51.

report sent to
licensing
justices;

(c.) Where an entry is made in the register of licences of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

and to be
evidence on
renewal.

(9.) Where the evidence showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or other professional person, or any licensed person, was given before election commissioners, these commissioners shall report the case to the director of public prosecutions, with such information as is necessary or proper for enabling him to act under this section.

Report to
Public Prose-
cutor by
Commissioners.

(10.) This section shall apply to an election court under this Act, or under Part IV. of the Municipal Corporations Act, 1882, and the expression election shall be construed accordingly.

The mayor and ex-mayor have a statutory right to be justices of the peace, so as hitherto to have been not removable by the Lord Chancellor (s. 155 of the Municipal Corporations Act, 1882). Suba. 6 makes them removable.

39. (1.) The registration officer in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having after the commencement of this Act been found guilty of a corrupt or illegal practice on conviction or by the report of any election court or election commissioners whether under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list (in this Act referred to as the corrupt and illegal practices list), the offence of which each person has been found guilty.

List of voters
incapacitated
by corrupt or
illegal prac-
tices

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

extracted from
reports.

(a.) if he is the registration officer of a county, in that county, or in any borough in that county; and

46 & 47 Vict.
c. 51, s. 39.

*Corrupt
Practices List.*

List sent to
overseers.

Objection to
appearance or
non-appear-
ance in list

decided by
revising
barrister.

Insertion by
barrister

on conviction
or report only.

List appended
to register.

Time for pre-
sentation of
election peti-
tions alleging
illegal
practice.

(b.) if he is the registration officer of a borough, in the county in which such borough is situate, or in any borough in that county.

(3.) The registration officer shall send the list to the overseers of every parish within his county or borough, together with his precept, and the overseers shall publish the list together with the list of voters, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to vote, or, as circumstances require, add "objected" before his name in the list of claimants or copy of the register published by them, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5.) The revising barrister shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit as in the case of other claims and objections, and of any list of voters.

(6.) Where it appears to the revising barrister that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list and expunge his name from any list of voters.

(7.) A revising barrister in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8.) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.

The "registration officer" is town clerk in a borough, and clerk of the peace in a county (see s. 64, p. 501).

Proceedings on Election Petition.

40. (1.) Where an election petition questions the return or the election upon an allegation of an illegal practice, then notwithstanding anything in the Parliamentary Elections Act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; (that is to say),

- (a.) At any time before the expiration of fourteen days after the day on which the returning officer receives the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent. 46 & 47 Vict. c. 51.
- (b.) If the election petition specifically alleges a payment of money, or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act. 14 days after return of election expenses. 28 days after payment in furtherance.
- (2.) Any election petition presented within the time limited by the Parliamentary Elections Act, 1868, may for the purpose of questioning the return or the election upon an allegation of an illegal practice be amended with the leave of the High Court within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented. Amendment of petition.
- (3.) This section shall apply in the case of an offence relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice. Offences relating to return.
- (4.) For the purposes of this section—
- (a.) where the return and declarations are received on different days, the day on which the last of them is received, and Return and declaration on different days.
- (b.) where there is an authorized excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different time, the date of the allowance of the last excuse, shall be substituted for the day on which the return and declarations are received by the returning officer. Authorized excuse.
- (5.) For the purposes of this section, time shall be reckoned in like manner as it is reckoned for the purposes of the Parliamentary Elections Act, 1868. Reckoning time.

Sundays, Christmas Day, Good Friday, Fasts, and Thanksgivings are omitted in reckoning the time (s. 49 of Act of 1868, p. 536).

41. (1.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do. Affidavits on withdrawal of election petition.

46 & 47 Vict.
c. 51, s. 41.

*Withdrawal of
Petition.*

Disclaimer of
agreement.

To give grounds
of withdrawal.

Misdemeanor
to withhold
agreement
from affidavit.

Public Prose-
cutor may be
heard.

* p. 532.

Report of
withdrawal to
Speaker.

All solicitors
to make
affidavit.

(2.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3.) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4.) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(5.) Copies of the said affidavits shall be delivered to the director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the director of public prosecutions or his assistant, or other representative, may consider material.

(6.) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section thirty-five of the Parliamentary Elections Act, 1868,* where the withdrawal is induced by a corrupt consideration.

(7.) In every case of the withdrawal of an election petition the court shall report to the Speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(8.) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(9.) Where a person not a solicitor is lawfully acting as agent in the case of an election petition, that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

46 & 47 Vict.
c. 51.

Affidavit by
agents.

42. The trial of every election petition so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

Trial of
petition *de die*
in diem.

43. (1.) On every trial of an election petition the director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

Public Prose-
cutor or
assistant to
attend trial.

(2.) It shall also be the duty of such director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

May summon
witnesses.

(3.) It shall also be the duty of the said director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offence before the said court, or if he thinks it expedient in the interests of justice before any other competent court.

Prosecution
by him of
offenders.

(4) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this Act upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding six months, or to pay a fine not exceeding two hundred pounds, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence;

Summary
prosecution by
election court.

Punishment.

Provided that, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

Option of jury.

46 & 47 Vict.
c. 51, s. 43.

Prosecution.

Indictment
may be
ordered.

(5.) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

Commitment
for trial.

(6.) Upon such order being made,

(a.) if the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and

Summary
Court.

(b.) if the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and

Warrant.

(c.) if the accused person is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him, before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted, shall order him to be brought before that court.

Qualification
of Public
Prosecutor's
representative.

(7.) The director of public prosecutions may nominate, with the approval of the Attorney-General, a barrister or solicitor of not less than ten years standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the Commissioners of her Majesty's Treasury may approve. There shall be allowed to the director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Commissioners of Her Majesty's Treasury may approve.

Public
Prosecutor's
expenses.

(8.) The costs incurred in defraying the expenses of the director of public prosecutions under this section (including the remuneration of his representative) shall, in the first instance, be paid by the Commissioners of Her Majesty's Treasury, and so far as they are not in the case of any prosecution paid by the

defendant shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Commissioners of Her Majesty's Treasury by the parties to the petition, or such of them as the court may direct.

46 & 47 Vict.
c. 51.

44. (1.) Where upon the trial of an election petition respecting an election for a county or borough it appears to the election court that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as follows;

Power to election court to order payment by county or borough of costs of election petition.

(a.) if it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the county or borough; and

(b.) if it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

Payment by corrupt persons.

(2.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person.

By persons guilty of illegal practices.

(3.) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under the Parliamentary Elections Act, 1868, and under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause, or matter in the High Court on the higher scale, as between solicitor and client.

Rules of Supreme Court as to costs applied.

46 & 47 Vict.
c. 51.

Miscellaneous.

Inquiry by
Public Pro-
secutor into
corrupt or
illegal prac-
tices.

Removal of
incapacity on
proof that it
was procured
by perjury.

Polling places
within 3 miles
of voter's
residence in
counties.

County local
authority may
alter districts
and places.

Borough local
authority to
divide it so
that

* p. 424.

voter may poll
within a mile
from residence.

45. Where information is given to the director of public prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the Prosecution of Offences Act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

46. Where a person has, either before or after the commencement of this Act, become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

47. (1.) Every county shall be divided into polling districts, and a polling place shall be assigned to each district in such manner that, so far as is reasonably practicable, every elector resident in the county shall have his polling place within a distance not exceeding three miles from his residence, so nevertheless that a polling district need not in any case be constituted containing less than one hundred electors.

(2.) In every county the local authority who have power to divide that county into polling districts shall from time to time divide the county into polling districts, and assign polling places to those districts, and alter those districts and polling places in such manner as may be necessary for the purpose of carrying into effect this section.

(3.) The power of dividing a borough into polling districts vested in a local authority by the Representation of the People Act, 1867,* and the enactments amending the same, may be exercised by such local authority from time to time, and as often as the authority think fit, and the said power shall be deemed to include the power of altering any polling district, and the said local authority shall from time to time, where necessary for the purpose of carrying this section into effect, divide the borough into polling districts in such manner that—

- (a.) Every elector resident in the borough, if other than one hereinafter mentioned, shall be enabled to poll within a distance not exceeding one mile from his residence, so nevertheless that a polling district need not be constituted containing less than three hundred electors; and
- (b.) Every elector resident in the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury,

shall be enabled to poll within a distance not exceeding three miles from his residence, so nevertheless that a polling district need not be constituted containing less than one hundred electors.

46 & 47 Vict.
c. 51.

(4.) So much of section five of the Ballot Act, 1872,* and the enactments amending the same as in force and is not repealed by this Act, shall apply as if the same were incorporated in this section.

* p. 434.

(5.) The expenses incurred by the local authority of a county or borough under this or any other Act in dividing their county or borough into polling districts, and, in the case of a county, assigning polling places to such districts, and in altering any such districts or polling places, shall be defrayed in like manner as if they were expenses incurred by the registration officer in the execution of the enactments respecting the registration of electors in such county or borough, and those enactments, so far as is consistent with the tenor thereof, shall apply accordingly.

Expenses of
local authority.

48. Where the nature of a county is such that any electors residing therein are unable at an election for such county to reach their polling place without crossing the sea or a branch or arm thereof, this Act shall not prevent the provision of means for conveying such electors by sea to their polling place, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act.

Conveyance
of voters by
sea in certain
cases.

By s. 7 the conveyance of voters for hire generally is forbidden.

49. Notwithstanding the provisions of the Act 15 and 16 Vict. cap. 57, or any amendment thereof, in any case where, after the passing of this Act, any commissioners have been appointed, on a joint address of both Houses of Parliament, for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this Act, and no witness called before such commissioners, or at any election petition after the passing of this Act, shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this Act: Provided that nothing herein contained shall affect any proceedings that shall be pending at the time of such passing.

Election com-
missioners not
to inquire
into elections
before the
passing of this
Act.

Legal Proceedings.

50. Where an indictment as defined by this Act for any offence under the Corrupt Practices Prevention Acts or this Act is instituted in the High Court or is removed into the High Court by a writ of certiorari issued at the instance of the Attorney-General, and the Attorney-General suggests on the part of the Crown that it is expedient for the purposes of justice that the indictment

Trial in Cen-
tral Criminal
Court of
indictment
for corrupt
practice at
instance of
Attorney-
General.

43 & 47 Vict.
c. 51.

should be tried in the Central Criminal Court, or if a special jury is ordered, that it should be tried before a judge and jury at the Royal Courts of Justice, the High Court may, if it think fit, order that such indictment shall be so tried upon such terms as the court may think just, and the High Court may make such orders as appear to the court necessary or proper for carrying into effect the order for such trial.

One year
limitation for
prosecution of
offence.

51. (1.) A proceeding against a person in respect of the offence of a corrupt or illegal practice or any other offence under the Corrupt Practices Prevention Acts or this Act shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed, and the time so limited by this section shall, in the case of any proceeding under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned Acts.

To date from
service or
absconding.

(2.) For the purposes of this section the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

Persons
charged with
corrupt prac-
tice may be
found guilty
of illegal
practice.

52. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice, (which offence shall for that purpose be an indictable offence,) and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the Act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring, may be found guilty of that offence, notwithstanding that the Act constituting the offence amounted to a corrupt or illegal practice.

Application of
enactments of
17 & 18 Vict.
c. 102, and
26 & 27 Vict.
c. 29, relating
to prosecutions
for bribery.

53. (1.) Sections ten, twelve, and thirteen of the Corrupt Practices Prevention Act, 1854,* and section six of the Corrupt Practices Prevention Act, 1863 † (which relate to prosecutions for bribery and other offences under those Acts), shall extend to any prosecution on indictment for the offence of any corrupt practice within the meaning of this Act, and to any action for any pecuniary forfeiture for an offence under this Act, in like manner as if such offence were bribery within the meaning of those Acts, and such indictment or action were the indictment or action in those sections mentioned, and an order under the said section ten may be made on the defendant; but the director of public

* p. 415.

† p. 423.

prosecutions or any person instituting any prosecution in his behalf or by direction of an election court shall not be deemed to be a private prosecutor, nor required under the said sections to give any security.

46 & 47 Vict.
c. 51.

(2.) On any prosecution under this Act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

Defendant
husband or
wife may give
evidence.

(3.) On any such prosecution or action as aforesaid it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment, or hiring within the meaning of this Act, as the case may be, and the certificate of the returning officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

Allegation of
charge.

54. (1.) All offences under this Act punishable on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Acts.*

Summary
conviction.
* p. 501.

(2.) A person aggrieved by a conviction by a court of summary jurisdiction for an offence under this Act may appeal to general or quarter sessions against such conviction.

Appeal.

55. (1.) Except that nothing in this Act shall authorize any appeal against a summary conviction by an election court, the Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offence summarily before an election court, in like manner as if it were an offence punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

Application
of Summary
Jurisdiction
and Indictable
Offences Acts
to proceedings
before election
courts.

(2.) The enactments relating to charges before justices against persons for indictable offences shall, so far as is consistent with the tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment in like manner as if the court were a justice of the peace.

56. (1.) Subject to any rules of court, any jurisdiction vested by this Act in the High Court may, so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's Bench Division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the

Exercise of
jurisdiction of
High Court,
and making
of rules of
court.

46 & 47 Vict.
c. 51, s. 56.

*Jurisdiction of
High Court.*

Saving for
master.

Rules of Court.

Director of
public prose-
cutions, and
expenses of
prosecutions.

Recovery of
costs payable
by county or
borough or
by person.

Supreme Court of Judicature in manner directed by and subject to an appeal to the said judges :

Provided that a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this Act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2.) Rules of court may from time to time be made, revoked, and altered for the purposes of this Act, and of the Parliamentary Elections Act, 1868, and the Acts amending the same, by the same authority by whom rules of court for procedure and practice in the Supreme Court of Judicature can for the time being be made.

57. (1.) The director of public prosecutions in performing any duty under this Act shall act in accordance with the regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney-General; and any assistant or representative of the director of public prosecutions in performing any duty under this Act shall act in accordance with the said regulations and directions, if any, and with the directions given to him by the director of public prosecutions.

(2.) Subject to the provisions of this Act, the costs of any prosecution on indictment for an offence punishable under this Act, whether by the director of public prosecutions or his representative or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

58. (1.) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this Act, to be paid by a county or borough, the Commissioners of Her Majesty's Treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like manner as if such costs and sums were expenses of election commissioners paid by them, and the Election Commissioners Expenses Acts, 1869 and 1871, shall apply accordingly as if they were herein re-enacted and in terms made applicable to the above-mentioned costs and sums.

(2.) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Commissioners of Her Majesty's Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

*Supplemental Provisions, Definitions, Savings, and Repeal.*46 & 47 Vict.
c. 51.

59. (1.) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with such election, on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege;

Obligation of witness to answer incriminating questions.

Provided that—

(a.) a witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered: and

Indemnity.

(b.) an answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him:

Not evidence, except for perjury.

(2.) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under the Corrupt Practices Prevention Acts or this Act committed by him previously to the date of the certificate at or in relation to the said election, the court having cognisance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

On indemnity proceedings stayed.

(3.) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceeding to enforce such incapacity (other than a criminal prosecution).

Incapacity to remain.

(4.) This section shall apply in the case of a witness before any election commissioners, in like manner as if the expression "election court" in this section included election commissioners.

Election Commissioners.

(5.) Where a solicitor or person lawfully acting as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

Solicitor's privilege.

60. An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or not been furnished with certificates of indemnity; and such report shall be laid before the Attorney-General (accompanied in the case of the commissioners with the evidence on which such

Submission of report of election court or commissioners to Attorney-General.

46 & 47 Vict.
c. 51, s. 60.

*Attorney-
General.*

Breach of duty
by returning
officer.

* p. 437.

By registration
officer.

† p. 409.

Publication
and service
of notices.

‡ p. 447.

Service of
documents.

§ p. 450.

Definition
of candidate.

report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

61. (1.) Section eleven of the Ballot Act, 1872,* shall apply to a returning officer or presiding officer or clerk who is guilty of any wilful misfeasance or wilful act or omission in contravention of this Act in like manner as if the same were in contravention of the Ballot Act, 1872.

(2.) Section ninety-seven of the Parliamentary Registration Act, 1843,† shall apply to every registration officer who is guilty of any wilful misfeasance or wilful act of commission or omission contrary to this Act in like manner as if the same were contrary to the Parliamentary Registration Act, 1843.

For definition of registration officer, see s. 64 (p. 501).

62. (1.) Any public notice required to be given by the returning officer under this Act shall be given in the manner in which he is directed by the Ballot Act, 1872,‡ to give a public notice.

(2.) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election for a county or borough, whether for the purpose of causing him to appear before the High Court or any election court, or election commissioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any court or commissioners, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners, in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

(3.) In the form of notice of a parliamentary election set forth in the Second Schedule to the Ballot Act, 1872,§ the words “or any illegal practice” shall be inserted after the words “or other corrupt practices,” and the words the “Corrupt and Illegal Practices Prevention Act, 1883,” shall be inserted after the words “Corrupt Practices Prevention Act, 1854.”

63. (1.) In the Corrupt Practices Prevention Acts, as amended by this Act, the expression “candidate at an election” and the expression “candidate” respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ

for such election, or after the dissolution or vacancy in consequence of which such writ has been issued ;

46 & 47 Vict.
c. 51.

(2.) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

(a.) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected ; and

Candidate
without
consent.

(b.) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act,* and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

* p. 510.

64. In this Act, unless the context otherwise requires—

General inter-
pretation of
terms :

The expression “election” means the election of a member or members to serve in Parliament :

The expression “election petition” means a petition presented in pursuance of the Parliamentary Elections Act, 1868, as amended by this Act :

“Election
petition.”

The expression “election court” means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that court :

“Election
Court.”

The expression “election commissioners” means commissioners appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same :

“Election Com-
missioners.”

The expression “High Court” means her Majesty’s High Court of Justice in England :

The expressions “court of summary jurisdiction” “petty sessional court,” and “Summary Jurisdiction Acts” have the same meaning as in the Summary Jurisdiction Act, 1879 :

“Summary
jurisdiction.”

The expression “the Attorney-General” includes the Solicitor-General in cases where the office of the Attorney-General is vacant or the Attorney-General is interested or otherwise unable to act :

“Attorney-
General.”

The expression “registration officer” means the clerk of the peace in a county, and the town clerk in a borough, as respectively defined by the enactments relating to the registration of parliamentary electors :

“Registration
officer.”

The expression “elector” means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used :

“Elector.”

46 & 47 Vict.
c. 51, s. 64.

Definitions.

“Register.”

“Polling
agent.”

“Person.”

“Committee
room.”

“Public office.”

“Judicial
office.”

“Personal
expenses.”
[See p. 480.]

“Indictment.”

The expression “register of electors” means the said register roll or book :

The expression “polling agent” means an agent of the candidate appointed to attend at a polling station in pursuance of the Ballot Act, 1872, or of the Acts therein referred to or amending the same :

The expression “person” includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this Act :

The expression “committee room” shall not include any house or room occupied by a candidate at an election as a dwelling, by reason only of the candidate there transacting business with his agents in relation to such election ; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the candidate addressing therein electors, committeemen, or others :

The expression “public office” means any office under the Crown or under the charter of a city or municipal borough or under the Acts relating to municipal corporations or to the poor law, or under the Elementary Education Act, 1870, or under the Public Health Act, 1875, or under any Acts amending the above-mentioned Acts, or under any other Acts for the time being in force (whether passed before or after the commencement of this Act) relating to local government, whether the office is that of mayor, chairman, alderman, councillor, guardian, member of a board, commission, or other local authority in any county, city, borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or Act as above mentioned, and includes any other municipal or parochial office ; and the expressions “election,” “election petition,” “election court,” and “register of electors,” shall, where expressed to refer to an election for any such public office, be construed accordingly :

The expression “judicial office” includes the office of justice of the peace and revising barrister :

The expression “personal expenses” as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election :

The expression “indictment” includes information :

- The expression "costs" includes costs, charges, and expenses : 46 & 47 Vict.
 The expression "payment" includes any pecuniary or other c. 51.
 reward ; and the expressions "pecuniary reward" and
 "money" shall be deemed to include any office, place, or "Costs."
 employment, and any valuable security or other equivalent "Payment."
 for money, and any valuable consideration, and expressions "Money."
 referring to money shall be construed accordingly :
 The expression "Licensing Acts" means the Licensing Acts, "Licensing
 1872 to 1874 : Acts."
 Other expressions have the same meaning as in the Corrupt
 Practices Prevention Acts.

65. (1.) The enactments described in the Third Schedule to this Act are in this Act referred to as the Corrupt Practices Prevention Acts. Short titles.

(2.) The Acts mentioned in the Fourth Schedule to this Act are in this Act referred to and may be cited respectively by the short titles in that behalf in that schedule mentioned.

(3.) This Act may be cited as the Corrupt and Illegal Practices Prevention Act, 1883.

(4.) This Act and the Corrupt Practices Prevention Acts may be cited together as the Corrupt Practices Prevention Acts, 1854 to 1883.

66. The Acts set forth in the Fifth Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this Act shall not revive any enactment which at the commencement of this Act is repealed, and shall not affect anything duly done or suffered before the commencement of this Act, or any right acquired or accrued or any incapacity incurred before the commencement of this Act, and any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act. Repeal of Acts.

67. This Act shall come into operation on the fifteenth day of October one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act. Commencement of Act.

[68. Application to Scotland.]

[69. Application to Ireland.]

Continuance.

70. This Act shall continue in force until the thirty-first day of December one thousand eight hundred and eighty-four, and no longer, unless continued by Parliament; and such of the Continuance.

46 & 47 Vict.
c. 51, s. 70.

*Duration of
Corrupt
Practices Acts.*

Corrupt Practices Prevention Acts as are referred to in Part I. of the third Schedule to this Act shall continue in force until the same day and no longer, unless continued by Parliament.

Continued to the 31st of December, 1885, by 47 & 48 Vict. c. 53.

SCHEDULES.

[See s. 17,
p. 473.]

FIRST SCHEDULE.

PART I.

PERSONS LEGALLY EMPLOYED FOR PAYMENT.

Clerks and
messengers
in borough.

- (1.) One election agent and no more.
- (2.) In counties one deputy election agent (in this Act referred to as a sub-agent) to act within each polling district and no more.
- (3.) One polling agent in each polling station and no more.
- (4.) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.

In county for
central
committee
room.

- (5.) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.

In county for
polling
districts.

- (6.) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.

May not vote.

- (7.) Any such paid election agent, sub-agent, polling agent, clerk and messenger may or may not be an elector but may not vote.

(8.) *In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury (a), the provisions of this part of this schedule shall apply as if such borough were a county.*

(a) No longer Boroughs.

PART II.

46 & 47 Vict.
c. 51.

LEGAL EXPENSES IN ADDITION TO EXPENSES UNDER PART I.

(1.) Sums paid to the returning officer for his charges not exceeding the amount authorized by the Act 38 & 39 Vict. c. 84.*

Returning
officer's
expenses
personal.

(2.) The personal expenses of the candidate.

(3.) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.

* p. 460.

(4.) The expenses of stationery, messages, postage, and telegrams.

(5.) The expenses of holding public meetings.

(6.) In a borough the expenses of one committee room and if the number of electors in the borough exceeds five hundred then of a number of committee rooms not exceeding the number of one committee room for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then of one committee room for such number, although not amounting to a complete five hundred.

Committee
rooms in
boroughs.

(7.) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds five hundred one additional committee room may be hired for every complete five hundred electors in such polling district over and above the first five hundred.

In counties.

PART III.

Maximum for Miscellaneous Matters.

Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule not exceeding in the whole the maximum amount of two hundred pounds, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

PART IV.

Maximum Scale.

(1.) In a borough the expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—

The maximum amount shall be—

Does not exceed 2,000 . . . £350.

Exceeds 2,000 £380, and an additional £30 for every complete 1,000 electors above 2,000.

Provided that in Ireland if the number

of electors on the register— The maximum amount shall be—

Does not exceed 500 . . . £200.

Exceeds 500, but does not exceed 1,000 £250.

Exceeds 1,000, but does not exceed 1,500 £275.

46 & 47 Vict.
c. 51, Sch. I.,
Parts 4, 5.

Expenses.

(2.) In a county the expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—

Does not exceed 2,000 . . . £650 in England and Scotland, and £500 in Ireland.

Exceeds 2,000 £710 in England and Scotland, and £540 in Ireland; and an additional £60 in England and Scotland, and £40 in Ireland, for every complete 1,000 electors above 2,000.

PART V.

General.

(1.) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury (a), the provisions of Parts II., III., and IV. of this schedule shall apply as if such boroughs were a county.

(2.) For the purposes of this schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.

Joint
candidates.

(3.) Where there are two or more joint candidates at an election the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of such joint candidates, be reduced by one-fourth, or if there are more than two joint candidates by one-third.

Joint election
agent,
committee
rooms, &c.

(4.) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

Provided that—

(a.) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.

(b.) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.

(c.) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an

(a) These boroughs no longer exist.

act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

48 & 47 Vict.
c. 51.

SECOND SCHEDULE.

PART I.

FORM OF DECLARATIONS AS TO EXPENSES.

Form for Candidate.

I, , having been a candidate at the election for the county [or borough] of on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [or if the candidate is his own election agent, "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked , and to the best of my knowledge and belief that return is correct;

Return of
election
expenses
correct.

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

No further
payment or
promise.

And I further solemnly and sincerely declare that I have paid to my election agent [if the candidate is also his own election agent, leave out "to my election agent"] the sum of pounds and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by any one to or in the hands of my election agent [or if the candidate is his own election agent, "myself"] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

Amount paid
to agent.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant

C.D.

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

Form for Election Agent.

I, , being election agent to , candidate at the election for the county [or borough] of , on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked , and to the best of my knowledge and belief that return is correct;

[See s. 33, p.
481.]

And I hereby further solemnly and sincerely declare that, except as

**46 & 47 Vict.
c. 51, Sch. II.,
Part 1.**

Declarations and Returns of Election Expenses.

appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have received from the said candidate pounds and no more [or nothing] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election.

Signature of declarant

A.B.

Signed and declared by the above-named declarant on the day
of before me.

(Signed) **E.F.**
Justice of the Peace for

[See s. 33, p. 481.]

FORM OF RETURN OF ELECTION EXPENSES.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [or borough] of _____ on the _____ day of _____, make the following return respecting election expenses of the said candidate at the said election [*or where the candidate has named himself as election agent, "I, C.D., candidate at the election for the county [or borough] of _____ on the _____ day of _____, acting as my own election agent, make the following return respecting my election expenses at the said election"*].

Receipts.

Received of [the above-named candidate] [or where the } £
candidate is his own election agent, "Paid by me"] }
Received of J.K. £

[Here set out the name and description of every person, club, society, or association, whether the candidate or not, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connexion with or incidental to the above election, and the amount received from each person, club, society, or association separately.]

Expenditure.

Paid to <i>E.F.</i> , the returning officer for the said county [or	}	£
borough] for his charges at the said election		
Personal expenses of the said <i>C.D.</i> , paid by himself [or if	}	£
<i>the candidate is his own election agent</i> , "Paid by me as		
candidate"]		
Do. do. paid by me [or	}	£
<i>if the candidate is his own election agent</i> , add "acting		
as election agent"]		

Received by me for my services as election agent at the
said election [or if the candidate is his own election
agent, leave out this item] } £

46 & 47 Vict.
c. 51.

Paid to G.H. as sub-agent of the polling district of . . . £
[The name and description of each sub-agent and the sum
paid to him must be set out separately.]

Paid to . . . as polling agent £
Paid to . . . as clerk for . . . days services . . . £
Paid to . . . as messenger for . . . days services . . . £

[The names and descriptions of every polling agent,
clerk, and messenger, and the sum paid to each, must be
set out separately either in the account or in a separate list
annexed to and referred to in the account, thus, "Paid to
polling agent (or as the case may be) as per annexed list
£ . . ."]

Paid to the following persons in respect of goods supplied
or work and labour done :
To P.Q. (printing) £
To M.N. (advertising) £
To R.S. (stationery) £

[The name and description of each person, and the
nature of the goods supplied, or the work and labour done
by each, must be set out separately either in the account or
in a separate list annexed to and referred to in the
account.]

Paid for postage £
Paid for telegrams £

Paid for the hire of room as follows :—
For holding public meetings £
For committee rooms £

[A room hired for a public meeting or for a committee
room must be named or described so as to identify it ; and
the name and description of every person to whom any
payment was made for each such room, together with the
amount paid, must be set out separately either in the ac-
count or in a separate list annexed to and referred to in
the account.]

Paid for miscellaneous matters, namely— . . . £
[The name and description of each person to whom any
sum is paid, and the reason for which it was paid to him,
must be set out separately either in the account or in a
separate list annexed to and referred to in the account.]

In addition to the above, I am aware, as election agent
for C.D., [or if the candidate is his own election agent,
leave out "as election agent for C.D."] of the following
disputed and unpaid claims ; namely,—

Disputed claims.
By T.U. for £
[Here set out the name and description of each person
whose claim is disputed, the amount of the claim, and the
goods, work, or other matter on the ground of which the
claim is based.]

Unpaid claims allowed by the High Court to be paid
after the proper time or in respect of which application
has been or is about to be made to the High Court.

By M.O. for £
[Here state the names and description of each person to

46 & 47 Vict.
c. 51, Sch. II.

whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.]

(Signed) *A.B.*

PART II.

FORM OF DECLARATION AS TO EXPENSES.

[See s. 33, p.
481.]

Form for candidate where declared a candidate or nominated in his absence and taking no part in the election.

I, _____, having been nominated [or having been declared by others] in my absence [to be] a candidate at the election for the county or borough of _____ held on the _____ day of _____, do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

And I further solemnly and sincerely declare that [or with the exception of _____] I have not, and no person, club, society, or association at my expense has, made any payment or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [or with the exception of _____] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association on account of or in respect of the conduct or management of the said election, and that [or with the exception of _____] I am entirely ignorant of any money security or equivalent for money having been paid, advanced, given, or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the _____ day
of _____, before me,

(Signed) *E.F.*
Justice of the Peace for _____.

THIRD SCHEDULE.

PART I.

CORRUPT PRACTICES PREVENTION ACTS.

*Temporary.*46 & 47 Vict.
c. 51.[See s. 65, p.
503.]

Session and Chapter.	Title of Act.	Enactments referred to as being the Corrupt Practices Prevention Acts.
17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854.	The whole Act so far as unrepealed.
26 & 27 Vict. c. 29	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act so far as unrepealed.
31 & 32 Vict. c. 125	The Parliamentary Elections Act, 1868.	The whole Act so far as unrepealed.
35 & 36 Vict. c. 33	The Ballot Act, 1872.	Part III. so far as unrepealed.
42 & 43 Vict. c. 75	The Parliamentary Elections and Corrupt Practices Act, 1879.	The whole Act so far as unrepealed.

PART II.

Permanent.

Session and Chapter.	Title of Act.	Enactments referred to as being the Corrupt Practices Prevention Acts.
30 & 31 Vict. c. 102	The Representation of the People Act, 1867.	Sections eleven, forty-nine, and fifty.
31 & 32 Vict. c. 48	The Representation of the People (Scotland) Act, 1868.	Sections eight and forty-nine.
31 & 32 Vict. c. 49	The Representation of the People (Ireland) Act, 1868.	Sections eight and thirteen.
44 & 45 Vict. c. 40	The Universities Elections Amendment (Scotland) Act, 1881.	Sub-section seventeen of section two.

46 & 47 Vict.
c. 51, Sch. III.,
Part 3.

PART III.

ENACTMENTS DEFINING THE OFFENCES OF BRIBERY AND PERSONATION.*

*Definitions of
Bribery and
Personation.*

*The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict. c. 102,
ss. 2, 3.*

* See p. 413.

Bribery
by bribers.

Giving money
or value to
voter.

Procuring
place for
voter.

Gift or promise
for procuring
voter.

Procuring
voter for gift
or promise.

Providing
money for
bribery or re-
paying money
expended.

Bribery by
bribed.
Receiving at
or before
election gift
&c., for vote.

Sect. 2. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election:

(2.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election:

(3.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:

(4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:

(5.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election. Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

Sect. 3. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election:

(2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election. 46 & 47 Vict. c. 51. After election.

The Representation of the People Act, 1867, 30 & 31 Vict. c. 102, s. 49.

Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made, shall also be guilty of bribery, and punishable accordingly. Corrupt payment of rates to be punishable as bribery.

The Ballot Act, 1872, 35 & 36 Vict. c. 33, s. 24.

A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who, at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name. Personation defined.

FOURTH SCHEDULE.

[See s. 65, p. 503.]

SHORT TITLE.

Session and Chapter.	Long Title.	Short Title.
15 & 16 Vict. c. 57	An Act to provide for more effectual inquiry into the existence of corrupt practices at the election of members to serve in Parliament.	Election Commissioners Act, 1852.
26 & 27 Vict. c. 29	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The Corrupt Practices Prevention Act, 1863.

46 & 47 Vict.
c. 51, Sched. V.

*Enactments .
Repealed.*

[See s. 66,
p. 503.]

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

NOTE.—Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule in order to preclude henceforth the necessity of looking back to previous Acts.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

- 60 Geo. 3, & 1 Geo. 4, c. 11. (An Act for the better regulation of polls, and for making further provision touching the election of members to serve in Parliament for Ireland.) Section thirty-six.
- 1 & 2 Geo. 4, c. 58. (An Act to regulate the expenses of election of members to serve in Parliament for Ireland.) The whole Act except section three.
- 4 Geo. 4, c. 55. (An Act to consolidate and amend the several Acts now in force so far as the same relate to the election and return of members to serve in Parliament for the counties of cities and counties of towns in Ireland.) Section eighty-two.
- 17 & 18 Vict. c. 102. (The Corrupt Practices Prevention Act, 1854.) Section one; section two, from, “and any person so offending” to “with full costs of suit;” section three, from “and any person so offending” to the end of the section; section four; section five; section six; section seven, from “and all payments” to the end of the section; section nine, section fourteen, section twenty-three, section thirty-six; section thirty-eight, from “and the words personal expenses” to the end of the section; and section thirty-nine and Schedule A.
- 21 & 22 Vict. c. 87. (An Act to continue and amend the Corrupt Practices Prevention Act, 1854.) The whole Act.
- 26 & 27 Vict. c. 29. (An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.) The whole Act, except section six.
- 30 & 31 Vict. c. 102. (The Representation of the People Act, 1867.) Section thirty-four, from “and in other boroughs the justices” to “greater part thereof is situate,” and section thirty-six.
- 31 & 32 Vict. c. 48. (The Representation of the People (Scotland) Act, 1868.) Section twenty-five.
- 31 & 32 Vict. c. 49. (The Representation of the People (Ireland) Act, 1868.) Section twelve.
- 31 & 32 Vict. c. 58. (The Parliamentary Electors Registration Act, 1868.) Section eighteen, from “the power of dividing their county” to the end of the section.
- 31 & 32 Vict. c. 125. (The Parliamentary Elections Act, 1868.) So much of section three as relates to the definitions of “candidate;” section sixteen, section thirty-three, section thirty-six; section forty-one, from “but according to the same principles” to “the High Court of Chancery;” section forty-three, section forty-five, section forty-six, section forty-seven; section fifty-eight, from “The principles” down to “in the Court of Session,” being sub-section sixteen.
- 35 & 36 Vict. c. 33. (The Ballot Act, 1872.) Section five, from the beginning down to “one hundred registered electors;” section twenty-

four, from "the offence of personation, or of aiding," to "hard labour," and from "The offence of personation shall be deemed to be" to the end of the section.

46 & 47 Vict.
c. 51.

42 & 43 Vict. c. 75. (The Parliamentary Elections and Corrupt Practices Act, 1879.) Section three and schedule.

43 Vict. c. 18. (The Parliamentary Elections and Corrupt Practices Act, 1880.) The whole Act, except sections one and three.

48 Vict. c. 10. An Act to extend the Hours of Polling at
Parliamentary and Municipal Elections.
[28th April, 1885.]

48 Vict. c. 10.

BE IT ENACTED, as follows:—

1. At every parliamentary and every municipal election within the meaning of this Act, the poll (if any) shall commence at eight o'clock in the forenoon, and be kept open till eight o'clock in the afternoon of the same day and no longer.

Polling from
eight to eight.

The time must be "Greenwich mean time:" Statutes (Definition of Time Act), 1880, 43 & 44 Vict. c. 9.

2. In this Act—

The expression "parliamentary election" means an election for a county, city, borough, place, or combination of counties, cities, boroughs, and places (not being any university or universities), which returns any knight of the shire or member to serve in Parliament, and where the same is divided for the purpose of such return includes an election for such division:

Meaning of
"parliamentary election."

[Meaning of the expression "municipal election."]

3. Upon this Act coming into operation the Parliamentary Elections (Metropolis) Act, 1878, and the Elections (Hours of Poll) Act, 1884, shall be repealed, without prejudice to anything previously done in pursuance thereof.

Repeal of
Acts of 1878
and 1884.

By the Act of 1878 in metropolitan boroughs, and by the Act of 1884 in boroughs having more than 3000 electors, the hours, which were eight to four for boroughs under 5 & 6 Will. 4, c. 36, and eight to five for counties under 16 & 17 Vict. c. 15, were fixed as fixed by this Act.

4. This Act may be cited as "The Elections (Hours of Poll) Act, 1885."

Short title.

5. This Act shall come into operation at the end of this present Parliament.

Commence-
ment of Act.

48 & 49 Vict.
c. 23.

48 & 49 Vict. c. 23, ss. 8 (4), 9 (3), 12-16, 27, 28.

Redistribution of Seats Act, 1885.

Polls in divided
boroughs on
same day.

8.—(4.) At a general parliamentary election the polls (if any) for the divisions in a divided borough shall be taken on the same day, such day to be fixed by the returning officer of the borough, but nothing in this sub-section shall be taken to enlarge or extend the discretion vested in him by the Ballot Act, 1872, as to fixing the day of poll.

For the three first paragraphs of this section which deal with electoral areas, see p. 259.

Nomination,
&c., in divided
counties as
separate con-
stituencies.

9.—(3.) Subject to the provisions of this Act the members for each such division of a county shall be elected by persons qualified in the same manner, and the nomination and other proceedings at parliamentary elections for such division shall be conducted in the same manner, as if such division were a separate constituency, and the law relating to parliamentary elections shall apply to each such division as if it were a separate county.

For the two first paragraphs of this section which deal with areas, see p. 260.

Returning
officers for
new boroughs
without
mayors.

12.—(1.) Save as in this Act mentioned, in each of the Parliamentary boroughs constituted under this Act in which there is not, for the time being, a mayor, a returning officer shall be appointed in like manner as if such borough were included among the boroughs mentioned in Schedule (C.) to the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five, intituled "An Act to amend the Representation of the People in England and Wales," for which boroughs no persons are specified in such schedule as returning officers. Provided that every sheriff shall, as soon as may be after the passing of this Act, appoint a returning officer for each parliamentary borough which is constituted under this Act, and is within his jurisdiction, and requires such appointment, and any returning officer so appointed shall hold his office until the time in the ensuing year fixed by law for the appointment of returning officers.

Appointed by
sheriff.

Need not be
resident.

* p. 397.

(2.) A returning officer of a parliamentary borough appointed by a sheriff of a county in pursuance of section eleven * of the said Act, or of any enactment (whether in this or any other Act) applying that section, need not be resident in the borough for which he is returning officer, provided that, if not so resident, he shall have an office therein for the purpose of his duties in relation to the registration of voters and to elections in such borough.

If in two
counties.

(3.) Where a parliamentary borough is situate in more than one county, the returning officer appointed as above mentioned

shall be appointed by the sheriff of the county in which the largest part of such parliamentary borough in extent is situate.

48 & 49 Vict.
c. 23.

(4.) Whereas by the Municipal Corporations Act, 1882,* it is enacted that if there are more mayors than one within the boundaries of a parliamentary borough, the mayor of that municipal borough to which the writ of election is directed shall be the returning officer: Be it therefore enacted that—

If possessing
two mayors.
* p. 464.

In any such case the writ of election shall be directed to the mayor of that one of the municipal boroughs to the mayor of which the writ has before the passing of this Act been directed, or if it has not been directed to any such mayor, then to the mayor of that one of the municipal boroughs which has the largest population according to the last census for the time being, and in any such case the town clerk of the municipal borough, the mayor of which is the returning officer, shall be the town clerk who, under the Registration Acts, is to receive the revised lists of parliamentary voters from the revising barrister, and is to copy and print them and to deliver the register of voters to the returning officer, and the council of the same borough shall be the council to allow the expenses of such town clerk.

Writ as accus-
tomed, or to
mayor of most
populous
borough.

Town clerk.

(5.) In any new borough constituted under this Act, the whole or the larger part of the area of which was before the passing of this Act comprised in the parliamentary borough of Westminster, the high bailiff of Westminster shall be the returning officer for the new borough, and also the town clerk for the new borough within the meaning of the Registration Acts, and may, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes relating to parliamentary elections in any such new borough, and anything in relation to a parliamentary election authorized or required to be done by, to, or before the returning officer, may be done by, to, or before the high bailiff himself or such deputy.

For West-
minster.

Deputy.

(6.) Every such deputy shall, in so far as he acts as returning officer, be deemed to be included in the expression "returning officer" within the meaning of the law relating to parliamentary elections.

See note to s. 11 of the Reform Act, 1832 (p. 398).

The parliamentary boroughs of the Strand and St. George's, Hanover Square, were comprised in Westminster before the passing of this Act.

13. Where a parliamentary borough is divided into divisions, the returning officer of such borough shall be the returning officer for each division, and may, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes relating to a parliamentary election in any such division, and anything in relation to a parliamentary election authorized or required to be done by, to, or before the returning officer (except the fixing of the day for taking the polls), may

Deputies of
returning
officers in
divided
boroughs

48 & 49 Vict.
c. 23, ss. 13–16.

*Divided
Boroughs.*

Divisions, one
borough for
certain
purposes.
Dividing
registers.

One election.

Voting and
nomination
as if divisions
separate.

Divided
boroughs to
be one to
prevent
agents, &c.,
voting.

* p. 504.

Place of
election in
divided
counties.

be done by, to, or before the returning officer himself or such deputy.

(2.) Every such deputy shall, in so far as he acts as returning officer, be deemed to be included in the expression "returning officer" within the meaning of the law relating to parliamentary elections.

(3.) For the purpose of determining the distance of the residence of any voter, and for all purposes of and incidental to the registration of voters in a parliamentary borough divided into divisions, and for the purpose of the enactments respecting the division of any such borough into polling districts, all the divisions shall be deemed to form the same parliamentary borough:

Provided that the lists and register of voters for the borough shall be framed, printed, and arranged in parts so as to correspond to the divisions thereof; and the voters in each division shall be numbered in a separate series.

(4.) In a borough divided into divisions, the election for two or more of such divisions shall be deemed to be the same election within the meaning of the enactments relating to personation and to voting, and the question which may be asked of voters at the poll shall be, "Have you already voted here or elsewhere at this election for the borough of _____ either in this or in any other division?"

(5.) Subject to the provisions of this Act, where any parliamentary borough is divided into divisions, the members for each division of such borough shall be elected by the persons registered in such division as voters for the borough, and the nomination and other proceedings at parliamentary elections for such division shall be conducted in the same manner as if such division were a separate constituency, and the law relating to parliamentary elections shall apply to each division as if it were a separate parliamentary borough.

For deputy returning officers in divided counties, see s. 8 of the Ballot Act, 1872, p. 436. The deputy is a returning officer within the meaning of the Returning Officers Act, 1875 (p. 457).

[14. Registration of freemen in divided boroughs. See p. 236.]

15. For the purposes of the provision * of the schedule to the Corrupt and Illegal Practices Prevention Act, 1883, with respect to the voting of any paid election agent, sub-agent, polling agent, clerk, or messenger, a parliamentary borough divided into divisions shall be deemed to form one borough, and any such agent, clerk, or messenger employed for payment at an election for any division may not vote in any other division of the borough.

16.—(1.) The place of election in the case of a division of a county at large shall be in such town situate in the said county at large, or in a county of a city or town adjoining the said county at large, as the local authority having power to divide

the division into polling districts, or in default of any determination by such local authority the returning officer, may from time to time determine, as being, in their or his opinion, the most convenient for the purposes of the election. Provided that in Ireland the place of election, in the case of a division of a county at large, shall from time to time be fixed by the returning officer, and shall be situate within the division or within a county of a city or town adjoining that division.

48 & 49 Vict.
c. 23, ss. 27, 28.

(2.) The place of election, in the case of a parliamentary borough or any division of a parliamentary borough, shall be such room or rooms in the said borough as the returning officer may from time to time determine, as being, in his opinion, the most convenient for the purposes of the election.

In boroughs
and divisions.

[27. Repeal of Acts disfranchising certain persons. See p. 72.]

[28. Disfranchisement of certain persons. See p. 72.]

48 & 49 Vict. c. 56. An Act to amend the Law with respect to Corrupt Practices at Parliamentary Elections.
[6th August, 1885.]

48 & 49 Vict.
c. 56.

“Whereas doubts have arisen as to whether or not it be lawful for an employer of labour to permit electors in his regular employ to absent themselves from their employment for the purpose of recording their votes at any parliamentary election, without making a deduction from the salary or wages of such electors for the time reasonably occupied in recording their votes :”

And whereas it is expedient to remove such doubts :

BE IT ENACTED, as follows :—

1. Nothing in the law relating to parliamentary elections shall make it illegal for an employer to permit parliamentary electors in his employment to absent themselves from such employment for a reasonable time for the purpose of voting at the poll at a parliamentary election, without having any deduction from their salaries or wages on account of such absence, if such permission is, so far as practicable without injury to the business of the employer, given equally to all persons alike who are at the time in his employment, and if such permission is not given with a view of inducing any person to record his vote for any particular candidate at such election, and is not refused to any person for the purpose of preventing such person from recording his vote for any particular candidate at such election.

Employer may
give leave of
absence to
employés to
record their
votes without
deducting
wages.

In *Truscott v. Bevan*, 44 L. T. 64, where a holiday was given to a candidate's workpeople, being voters and others, their wages were paid, and they were supplied with colours and conveyed to the poll, whereas on the previous occasion when the employer was not a candidate, the workpeople had a holiday but no wages, the return was declared void for bribery. That case does not decide that giving voters the time to vote without deduction from their wages

48 & 49 Vict.
c. 56.

is illegal, neither is there anything in the Election Acts so providing. The case simply decides that a holiday with wages given by a candidate who, when not a candidate gave a holiday without wages, is evidence on which bribery may be found. This section does not reverse the effect of that decision, but seems to have been passed to allay fears due to a misapprehension of that decision. The amount which might have been deducted by an employer-candidate may be contended to be a payment "in respect of expenses incurred in the management of the election" payable only by the agent and returnable (pp. 478, 481), assuming the employer by his contract with the men entitled to deduct.

Short title.

2. This Act may be cited as "The Parliamentary Elections Corrupt Practices Act, 1885."

48 & 49 Vict.
c. 62.

48 & 49 Vict. c. 62. An Act to amend the Law relating to the Charges of Returning Officers at Parliamentary Elections. [14th August, 1885.]

* p. 457.

p. 464.

Whereas by the Parliamentary Elections (Returning Officers) Act, 1875,* the returning officer may, if he thinks fit, require security to be given for the charges payable under the above Act in respect of an election to an amount not exceeding that specified in the Third Schedule † to the Act, and by such Third Schedule it is provided as follows:—"If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one-fifth of the maximum according to the above scale:" And whereas [Scotland]. And whereas it is expedient to reduce the said amount, and otherwise to amend the above Acts: BE IT THEREFORE ENACTED, as follows:—

Short title.

1. This Act shall be construed, so far as regards England and Ireland, as one with the Parliamentary Elections (Returning Officers) Act, 1875, and together with that Act may be cited as the Parliamentary Elections (Returning Officers) Acts, 1875 and 1885, and this Act may be cited separately as the Parliamentary Elections (Returning Officers) Act, 1885.

Reduction
of security
required in
uncontested
election.

2. In the Third Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, "twenty-five pounds" shall be substituted for "one-fifth of the maximum according to the above scale" in the portion thereof (above recited) relating to elections where not more candidates stand nominated than there are vacancies to be filled up.

3. [Scotland.]

Increase of
presiding
officer's and
poll clerk's
fees in
counties.

† p. 461.

4. Notwithstanding the scale of charges laid down in the First Schedule of the Parliamentary Elections (Returning Officers) Act, 1875,† it shall be lawful in any county constituency in England for the returning officer to charge four guineas for each presiding officer and thirty shillings for each clerk at a polling station.

5. [Scotland.]

PART VI.
ELECTION PETITIONS.

	PAGE
31 & 32 Vict. c. 125 . "Parliamentary Elections Act, 1868"—Presentation and conduct of Election Petition .	521
Rules of Court as to Election Petitions:	
Election Rules, Michaelmas Term, 1868 .	539
Election Rules, December, 1868 . . .	551
Election Rules, March, 1869 . . .	552
Election Rules, January, 1875 . . .	553
42 & 43 Vict. c. 75 . Trial of Petition by two judges . . .	554
44 & 45 Vict. c. 68, ss. 13, 14. Rota of Judges for trial of Petitions—Appeal to Court of Appeal . . .	554

31 & 32 Vict. c. 125. Parliamentary Elections Act, 1868. 31 & 32 Vict.
c. 125.
An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections.
[31st July, 1868.]

"Whereas it is expedient to amend the laws relating to election petitions, and to provide more effectually for the prevention of corrupt practices at parliamentary elections:" BE IT ENACTED, as follows :—

Preliminary.

1. This Act may be cited for all purposes as "The Parliamentary Elections Act, 1868." Short title.
2. The expression "the Court" shall, for the purposes of this Act, in its application to England, mean the *High Court of Justice, Queen's Bench Division* (a), and such Court shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority with reference to an election petition and the proceedings thereon as it would have if such petition were an ordinary cause within their jurisdiction. Definition and jurisdiction of Court.

As to amendment, the Court cannot amend a petition after the 21 days, so as to add a substantive ground of petitioning (*Maude v. Lowley*, L. R. 9 C. P. 65; 43 L. J. C. P. 145); but an amendment adding allegations of illegal practices may be made (p. 489).
The powers conferred by this section must be read subject to ss. 25 and 26 (p. 530), and in the absence of rules there is no power to order interrogatories (*Moore v. Kennard*, 10 Q. B. D. 290; 52 L. J. Rep. (Q.B.) 285; 48 L. T. 236; 31 W. R. 610; *Wells v. Wren*, 5 C. P. D. 546; 49 L. J. C. P. 681), in which case the power to make rules for interrogatories was doubted.
Publication in a newspaper of comments likely to interfere with the trial, held a contempt: *Macartney v. Corry*, 7 Ir. R. C. L. 242.

(a) Originally Court of Common Pleas at Westminster, but see Judicature Act, 1881, s. 13, p. 554.

31 & 32 Vict.
c. 125.

Interpretation
of terms.

“Metropolitan
district :”

“Election :”

“County :”

“Borough :”

“Corrupt
Practices :”

“Rules of
Court :”

“Prescribed.”

3. The following terms shall in this Act have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction ; (that is to say),

“Metropolitan district” shall mean the city of London and the liberties thereof, and any parish or place subject to the jurisdiction of the Metropolitan Board of Works :

“Election” shall mean an election of a member or members to serve in Parliament :

“County” shall not include a county of a city or county of a town, but shall mean any county, riding, parts, or division of a county returning a member or members to serve in Parliament :

“Borough” shall mean any borough, university, city, place, or combination of places, not being a county as hereinbefore defined, returning a member or members to serve in Parliament :

“Corrupt practices” or “corrupt practice” shall mean bribery, treating, and undue influence, or any of such offences, as defined by Act of Parliament, or recognized by the common law of Parliament :

“Rules of Court” shall mean rules to be made as hereinafter mentioned :

“Prescribed” shall mean “prescribed by the Rules of Court.”

This section formerly contained a definition of “candidate” as “any person elected to serve in Parliament at an election, and any person who has been nominated as or declared himself a candidate at an election.” This is repealed by the Corrupt Practices Act, 1883 (Sched. 5), and the definition is added to by including persons declared by others a candidate, but is limited in a way more material to that Act than this. See s. 63 of that Act, p. 500.

“*Corrupt Practices.*”] By s. 3 of the Corrupt and Illegal Practices Act, 1883 (p. 467), every offence which is a corrupt practice within the meaning of that Act, is so within the meaning of this Act. That Act adds personation and procuring personation to the definition of corrupt practices of this Act.

“Speaker.”

4. For the purposes of this Act “Speaker” shall be deemed to include Deputy Speaker ; and when the office of Speaker is vacant, the clerk of the House of Commons, or any other officer for the time being performing the duties of the clerk of the House of Commons, shall be deemed to be substituted for and to be included in the expression “the Speaker.”

Presentation and Service of Petition.

To whom and
by whom
election peti-
tion may be
presented.

5. From and after the next dissolution of Parliament a petition complaining of an undue return or undue election of a member to serve in Parliament for a county or borough may be presented to the *High Court of Justice, Queen's Bench Division* (a), if such county or borough is situate in England, by any one or more of the following persons :

1. Some person who voted or who had a right to vote at the election to which the petition relates; or,
2. Some person claiming to have had a right to be returned or elected at such election; or,
3. Some person alleging himself to have been a candidate at such election :

81 & 32 Vict.
c. 125.

And such petition is hereinafter referred to as an election petition.

Undue return of a Member.] All the members whose return was undue are not necessarily parties (*Lins v. Warren*, 14 Q. B. D. 73). An undue return is a return defective in itself; an undue election is the election of a disqualified person, or by unqualified persons, or by undue means. The wide word "undue" is used to include all the grounds upon which a return or election can be set aside either at common law or by statute. Bribery, treating, and undue influence committed by a candidate, and personation at his instance, avoid the election at common law, on the ground of fraud, as also do general bribery, treating, and intimidation, on the ground that the true opinion of the electors has not been expressed. One act of bribery, for which the member returned is responsible, avoids the election. For statutory avoidance of elections, see s. 44 (p. 535), and ss. 4 and 5 of the Corrupt and Illegal Practices Act, 1883 (p. 468).

6. The following enactments shall be made with respect to the presentation of an election petition under this Act:

Signature of
petition.

1. The petition shall be signed by the petitioner, or all the petitioners if more than one :

2. The petition shall be presented within twenty-one days after the return has been made to the clerk of the Crown in Chancery in England, of the member to whose election the petition relates, unless it question the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment :

Time for pre-
senting.

3. Presentation of a petition shall be made by delivering it to the prescribed officer or otherwise dealing with the same in manner prescribed :

Mode of pre-
senting.

4. At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner—

(b.) to any person summoned as a witness on his behalf, or,

(c.) to the member whose election or return is complained of (who is hereinafter referred to as the respondent),

Security for
costs.

shall be given on behalf of the petitioner :

5. The security shall be to an amount of one thousand pounds ; it shall be given either by recognizance to be entered

Amount and
form of secu-
rity.

31 & 32 Vict.
c. 125.

into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

The return.] The return is not complete until the writ with the certificate of the returning officer is in the hands of the Clerk of the Crown, so that he can act upon it (*Hurdle v. Waring*, L. R. 9 C. P. 435; 48 L. J. C. P. 209; 30 L. T. 329; 22 W. R. 735).

Twenty-one days.] Sundays are excluded, see s. 49 (p. 536), *Pegler v. Gurney* (17 W. R. 316), and *Pease v. Norwood* (L. R. 4 C. P. 235).

The twenty-eight days petition.] The inquiry in such petition would not seem to be limited to the payment since the return and its incidents, because the payment is simply for the extension of the limit of time, and does not limit the petition. See per Keogh, J., *Galway* (10 O'Malley & Hardcastle, 341); *contra* per Mellor, J., *Kidderminster* (2 O'M. & H. 170).

As to the time in case an illegal practice is alleged, see s. 40 (a) of the Corrupt and Illegal Practices Act, 1883 (p. 488); s. 40 (b) adds "some other act done" to "payment of money" as qualifying for a twenty-eight days petition.

Prescribed officer.] The petition by Reg. M. T. 1868 (p. 539), is left at the office of the Master nominated by the Lord Chief Justice of the Common Pleas (now the Chief Justice of England, see Order in Council, 1880), who is to give a receipt. The copy for the returning officer under s. 7 is also left.

One thousand pounds.] The same sum applies to a petition against the return of more members than one (*Pease v. Norwood*, L. R. 4 C. P. 235). "Any number of sureties" includes one (*Preece v. Pulley*, 49 L. J. C. P. 686); but the petitioners cannot enter into the recognizance (*Pease v. Norwood*, *ubi supra*).

Copy sent to
returning
officer.

7. On presentation of the petition the prescribed officer shall send a copy thereof to the returning officer of the county or borough to which the petition relates, who shall forthwith publish the same in the county or borough, as the case may be.

By Rule 12 of Rules, Michaelmas Term, 1868 (p. 542), he must also send the addresses for service, which the returning officer must also publish.

Recognizance
may be
objected to.

8. Notice of the presentation of a petition under this Act, and of the nature of the proposed security, accompanied with a copy of the petition, shall, within the prescribed time, not exceeding five days after the presentation of the petition, be served by the petitioner on the respondent; and it shall be lawful for the respondent, where the security is given wholly or partially by recognizance, within a further prescribed time, not exceeding five days from the date of the service on him of the notice, to object in writing to such recognizance, on the ground that the sureties, or any of them, are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

By the Rule 13 of the Rules, Michaelmas Term, 1868 (p. 542), the time prescribed for the notice is five days, exclusive of the day of presentation. The same time, exclusive of the day of service, is prescribed by Rule 21 (p. 544), for objecting to the recognizances.

Determination
of objection to
recognizance.

9. Any objection made to the security given shall be heard and decided on in the prescribed manner. If an objection to the

security is allowed it shall be lawful for the petitioner, within a further prescribed time, not exceeding five days, to remove such objection, by a deposit in the prescribed manner of such sum of money as may be deemed by the Court or officer having cognizance of the matter to make the security sufficient.

31 & 32 Vict.
c. 125.

If on objection made the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration of the time limited for making objections, or, after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue.

By Rule 23 of Rules, Michaelmas Term, 1868 (p. 544), the prescribed manner of hearing and deciding an objection is by the Master subject to appeal, and on summons.

10. The prescribed officer shall, as soon as may be, make out a list of all petitions under this Act presented to the Court of which he is such officer, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, hereinafter referred to as the election list, open to the inspection in the prescribed manner of any person making application.

List of petitions at issue to be made.

Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

The Master is by Rule 30 of Rules, Michaelmas Term, 1868 (p. 545), the prescribed officer, which rule gives the further contents of the list.

Trial of a Petition.

11. The following enactments shall be made with respect to the trial of election petitions under this Act:

Mode of trial of election petitions.

1. The trial of every election petition shall be conducted before a *puisne judge* (a) of one of her Majesty's Superior Courts of common law at Westminster (b), to be selected from a rota to be formed as hereinafter mentioned.

2. *Members of the Queen's Bench Division shall respectively on or before the third day of Michaelmas Term in every year, select, by a majority of votes, one of the puisne judges of such Court, not being a member of the House of Lords, to be placed on the rota for the trial of election petitions during the ensuing year.*

Choice of a rota.

3. *If in any case the members of the said Court are equally divided in their choice of a puisne judge to be placed on the rota, the Chief Justice of such Court (including under that expression the Chief Baron of the Exchequer), shall have a second or casting vote (c).*

(a) See Act of 1879 (p. 554).

(p. 554).

(b) See Judicature Act, 1881, s. 13

(c) *Ibid.*

31 & 32 Vict.
c. 125.

Filling
vacancies.

Trial by
judges in
order of
seniority.

Additional
election
judges.

Mode of trial.

Notice of trial.

Place of trial.

4. Any judge placed on the rota shall be re-eligible in the succeeding or any subsequent year.
5. In the event of the death or illness of any judge for the time being on the rota, or his inability to act for any reasonable cause, the Court to which he belongs shall fill up the vacancy by placing on the rota another puisne judge of the same court.
6. The judges for the time being on the rota shall, according to their seniority, respectively try the election petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement.
7. Where it appears to the judges on the rota, after due consideration of the list of petitions under this Act for the time being at issue, that the trial of such election petitions will be inconveniently delayed unless an additional judge or judges be appointed to assist the judges on the rota, the *Queen's Bench Division* shall, on and according to the requisition of such judges on the rota, select, in manner hereinbefore provided, one of the puisne judges of the court to try election petitions for the ensuing year (a); and any judge so selected shall, during that year, be deemed to be on the rota for the trial of election petitions.
8. *Her Majesty may, in manner heretofore in use, appoint an additional puisne judge to each of the Courts of Queen's Bench, the Common Pleas, and the Exchequer in England (b).*
9. Every election petition shall, except where it raises a question of law for the determination of the Court, as hereinafter mentioned, be tried by *one of (c) the judges* hereinbefore in that behalf mentioned, hereinafter referred to as the judge sitting in open court without a jury.
10. Notice of the time and place at which an election petition will be tried shall be given, not less than fourteen days before the day on which the trial is held, in the prescribed manner.
11. The trial of an election petition in the case of a petition relating to a borough election shall take place in the borough, and in the case of a petition relating to a county election in the county: Provided always, that if it shall appear to the Court that special circumstances exist which render it desirable that the petition should be tried elsewhere than in the borough or county, it shall be lawful for the Court to appoint such other

(a) See Judicature Act of 1881, s. 13
(p. 554).

(b) Spent.

(c) See Act of 1869 (p. 554).

place for the trial as shall appear most convenient ;
 Provided also, that in the case of a petition relating to
 any of the boroughs within the metropolitan district,
 the petition may be heard at such place within the
 district as the Court may appoint.

31 & 32 Vict.
 c. 125.

12. The judge presiding at the trial may adjourn the same
 from time to time and from any one place to any other
 place within the county or borough, as to him may
 seem expedient.

Adjournment.

13. At the conclusion of the trial the judge who tried the
 petition shall determine whether the member whose
 return or election is complained of, or any and what
 other person, was duly returned or elected, or whether
 the election was void, and shall forthwith certify in
 writing such determination to the Speaker, and upon
 such certificate being given such determination shall
 be final to all intents and purposes.

Judge's certifi-
 cate of result.

14. Where any charge is made in an election petition of any
 corrupt practice having been committed at the election
 to which the petition refers, the judge shall, in addition
 to such certificate, and at the same time, report in
 writing to the Speaker as follows:—

Judge's general
 report.

(a.) Whether any corrupt practice has or has not
 been proved to have been committed by or
 with the knowledge and consent of any can-
 didate at such election, and the nature of such
 corrupt practice:

(b.) The names of all persons (if any) who have
 been proved at the trial to have been guilty
 of any corrupt practice:

(c.) Whether corrupt practices have, or whether
 there is reason to believe that corrupt practices
 have, extensively prevailed at the election to
 which the petition relates.

15. The judge may at the same time make a special report
 to the Speaker as to any matters arising in the course
 of the trial an account of which in his judgment ought
 to be submitted to the House of Commons.

Special report.

16. Where, upon the application of any party to a petition
 made in the prescribed manner to the Court, it appears
 to the Court that the case raised by the petition can be
 conveniently stated as a special case, the Court may
 direct the same to be stated accordingly, and any such
 special case shall, as far as may be, be heard before
 the Court, and the decision of the Court shall be final ;
 and the Court shall certify to the Speaker its determi-
 nation in reference to such special case.

Special case.

Place of trial.] The power to change the place of trial is vested in the
 Court, not the judge (*Collins v. Price*, 5 C. P. D. 544 ; 49 L. J. C. P. 685),
 and there must be something more than inconvenience shown (*ib.*).

81 & 32 Vict.
c. 125.

Decision of judge.] When the petitioner has claimed the seat, and the judge has held him duly elected, a petition against his return does not lie (*Waygood v. James*, L. R. 4 C. P. 361; 38 L. J. C. P. 195; 21 L. T. 202; 17 W. R. 824).

Judge's report.] By s. 11 of the Corrupt and Illegal Practices Act, 1883 (p. 471), subs. 14 of this section is extended by the addition of "illegal practice" to corrupt practice.

Appeal.] By s. 14 of the Judicature Act, 1881 (p. 554), the High Court may give leave to appeal to the Court of Appeal.

Reserving
questions for
the Court.

12. Provided always, that if it shall appear to the judge on the trial of the said petition that any question or questions of law as to the admissibility of evidence or otherwise require further consideration by the *Court of Common Pleas*, then it shall be lawful for the said judge to postpone the granting of the said certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a judge on a trial at *Nisi Prius*.

The practice of reserving questions referred to is the practice in use at the time of the passing of the Act at *Nisi Prius*. It is now disused at *Nisi Prius*, but is retained by this section for the purposes of election petitions.

House of
Commons to
carry out
report.

13. The House of Commons, on being informed by the Speaker of such certificate and report or reports (if any), shall order the same to be entered in their journals, and shall give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution, as circumstances may require.

Order on
special report.

14. Where the judge makes a special report the House of Commons may make such order in respect of such special report as they think proper.

Report of the
judge as to
corrupt
practices.

15. If the judge states in his report on the trial of an election petition under this Act that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed in any county or borough at the election to which the petition relates, such statement shall for all the purposes of the Act of the session of the fifteenth and sixteenth year of the reign of her present Majesty, chapter fifty-seven, intituled "An Act to provide for more effectual inquiry into the existence of corrupt practices at elections of members to serve in Parliament," have the same effect and may be dealt with in the same manner as if it were a report of a committee of the House of Commons appointed to try an election petition, and the expenses of any commission of inquiry which may be issued in accordance with the provisions of the said Act shall be defrayed as if they were expenses incurred in the registration of voters for such county or borough.

The practice is upon a report by the judges that corrupt practices have extensively prevailed, or there is reason to believe that they have prevailed

for an address to be presented to the Crown for the appointment of a Commission.

31 & 32 Vict.
c. 125.

[16. Repealed by Corrupt Practices Act, 1883.]

17. On the trial of an election petition under this Act, unless the judge otherwise directs, any charge of a corrupt practice may be gone into and evidence in relation thereto received before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

Postponing
proof of
agency.

For the definition of a corrupt practice, see note to s. 3, p. 522.

18. The trial of an election petition under this Act shall be proceeded with notwithstanding the acceptance by the respondent of an office of profit under the Crown.

Acceptance
of office.

19. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of Parliament.

Prorogation.

But a dissolution abates a petition.

Proceedings.

20. An election petition under this Act shall be in such form and state such matters as may be prescribed.

Form of
petition.

See Rules 1-5 of Rules, Michaelmas Term, 1868, p. 539.

21. An election petition under this Act shall be served as nearly as may be in the manner in which a writ or summons is served, or in such other manner as may be prescribed.

Service.

See Rules 14 & 15 of Rules, Michaelmas Term 1868, p. 542.

22. Two or more candidates may be made respondents to the same petition, and their case may for the sake of convenience be tried at the same time, but for all the purposes of this Act such petition shall be deemed to be a separate petition against each respondent.

Joint
respondents.

23. Where, under this Act, more petitions than one are presented relating to the same election or return, all such petitions shall in the election list be bracketed together, and shall be dealt with as one petition, but such petitions shall stand in the election list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the Court shall otherwise direct.

More than
one petition
presented.

24. On the trial of an election petition under this Act the shorthand writer of the House of Commons or his deputy shall attend and shall be sworn by the judge faithfully and truly to take down the evidence given at the trial, and from time to time as occasion requires to write or cause the same to be written in words at length; and it shall be the duty of such shorthand writer to take down such evidence, and from time to time to write or cause the same to be written at length, and a copy of such evidence shall accompany the certificate made by

Shorthand
writer to
attend trial.

31 & 32 Vict.
c. 125.

the judge to the Speaker; and the expenses of the shorthand writer shall be deemed to be part of the expenses incurred in receiving the judge.

As to the expenses of receiving the judges, see s. 28, *post*.

Jurisdiction and Rules of Court.

Rules of
Court.

25. The judges for the time being on the rota for the trial of election petitions in England and Ireland may respectively from time to time make, and may from time to time revoke and alter, General Rules and Orders (in this Act referred to as the Rules of Court), for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and cost of election petitions, and the trial thereof, and the certifying and reporting thereon.

Any General Rules and Orders made as aforesaid shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any General Rules and Orders made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next Session of Parliament.

By sect. 56 (2) of the Corrupt and Illegal Practices Act, 1883 (p. 498), these Rules of Court may be made and altered by the Rule Committee.

Practice of
House of
Commons to
be observed.

26. Until Rules of Court have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which committees of the House of Commons have heretofore acted in dealing with election petitions shall be observed so far as may be by the Court and judge in the case of election petitions under this Act.

It had previously been held that the decisions of election committees were of no authority in courts of law (*Ex parte Nash*, 1 Deac. & Ch. 440). The reference to the decisions of election committees is guarded. They are not authorities, and their principles as well as their practice are only applicable so far as may be. The practice of election committees in regard to refusing to allow withdrawal of a claim of the seat after the lapse of the twenty-one days followed: *Aldridge v. Hurst*, 1 C. P. D. 410; 45 L. J. C. P. 431; 35 L. T. 156; 24 W. R. 708.

Performance
of duties by
prescribed
officer.

27. The duties to be performed by the prescribed officer under this Act shall be performed by such one or more of the Masters of the Supreme Court (a) as may be determined by the Chief Justice of England (b), and there shall be awarded to such Masters, in addition to their existing salaries, such remuneration for the performance of the duties imposed on them in

(a) Originally of the Court of Common Pleas.

(b) Order in Council, 1880.

pursuance of this Act as the Chief Justice of England (a) may, with the consent of the commissioners of the Treasury, determine.

31 & 32 Vict.
c. 125.

Reception, Expenses, and Jurisdiction of Judge.

28. The judge shall be received at the place where he is about to try an election petition under this Act with the same state, so far as circumstances admit, as a Judge of Assize is received at an Assize Town; he shall be received by the sheriff in the case of a petition relating to a county election, and in any other case by the Mayor, in the case of a borough having a Mayor, and in the case of a borough not having a Mayor by the sheriff of the county in which the borough is situate, or by some person named by such sheriff.

Reception of
judges.

The travelling and other expenses of the judge, and all expenses properly incurred by the sheriff or by such Mayor or person named as aforesaid in receiving the judge and providing him with necessary accommodation and with a proper court, shall be defrayed by the commissioners of the Treasury out of money to be provided by Parliament.

Judges'
expenses.

29. On the trial of an election petition under this Act the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority as a judge of one of the superior courts and as a judge of assize and Nisi Prius, and the court held by him shall be a Court of Record.

Powers of
judges.

30. The judge shall be attended on the trial of an election petition under this Act in the same manner as if he were a judge sitting at Nisi Prius, and the expenses of such attendance shall be deemed to be part of the expenses of providing a court.

Attendance
on judges.

Witnesses.

31. Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial at Nisi Prius, and shall be subject to the same penalties for perjury.

Summoning
witnesses.

But there is no power to attach them for evading service of subpoena: *Heywood v. Dodson*, 44 L. T. 285.

32. On the trial of an election petition under this Act the judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of court. The judge may examine any witness so compelled to attend or any person in court although such witness is not called and examined by any party to the petition. After the

Witnesses
summoned by
judges.

(a) Originally of the Court of Common Pleas.

31 & 32 Vict.
c. 125.

examination of a witness as aforesaid by a judge such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

[33. Repealed by Corrupt Practices Act, 1883.]

Expenses of
witnesses.

34. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to such person by a certificate under the hand of the judge or of the prescribed officer, and such expenses if the witness was called and examined by the judge shall be deemed part of the expenses of providing a court, and in other cases shall be deemed to be costs of the petition.

See the directions to the Masters of Hilary Term, 1853.

Withdrawal and Abatement of Election Petitions.

Withdrawal of
petition.

35. An election petition under this Act shall not be withdrawn without the leave of the Court or judge upon special application, to be made in and at the prescribed manner, time, and place.

No such application shall be made for the withdrawal of a petition until the prescribed notice has been given in the county or borough to which the petition relates of the intention of the petitioner to make an application for the withdrawal of his petition.

Application
to be
substituted.

On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

Substituting
petitioner.

The Court or judge may, if it or he think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the Court or judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

Substitute's
security for
costs.

If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution.

Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

31 & 32 Vict.
c. 125.

Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Respondent's
costs.

For the affidavits now required on the withdrawal of a petition, see Corrupt and Illegal Practices Act, 1883, s. 41 (p. 489). Rule 45 of the Rules of Michaelmas Term, 1868 (p. 547), prescribes the notice of withdrawal. The withdrawal of a portion of a petition is *in pari materia* with the withdrawal of the whole, and a petitioner claiming the seat cannot withdraw that claim after the lapse of the twenty-one days (*Aldridge v. Hurst*, 1 C. P. D. 410; 45 L. J. C. P. 431; 35 L. T. 156; 24 W. R. 708).

The withdrawal of a petition for a pecuniary consideration is illegal at common law (*Coppock v. Bower*, 4 M. & W. 361). The parties, before the Corrupt and Illegal Practices Act, 1883, were required to deny on affidavit that they had been parties to any corrupt arrangement, and that their agents to the best of their knowledge and belief had (*Isaac v. Serley*, 5 C. P. D. 553).

[36. Repealed by Corrupt Practices Act, 1883.]

37. An election petition under this Act shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

Abatement of
petition.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the county or borough to which the petition relates, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or judge, in and at the prescribed manner, time, and place, to be substituted as a petitioner.

Notice of
abatement.

The Court or judge may, if it or he think fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

Substituting
petitioner.

By Rule 50 of Rules, Michaelmas Term, 1868 (p. 549), the prescribed manner of notice of abatement is the same as on notice to withdraw, which by Rule 45 (p. 547) is to be in writing and signed. The time during which an applicant may be substituted as a petitioner, is one month (Rule 50, p. 549).

38. If before the trial of any election petition under this Act any of the following events happen in the case of the respondent (that is to say,)

Substituting
respondent.

(1.) If he dies:

(2.) If he is summoned to Parliament as a peer of Great Britain by a writ issued under the Great Seal of Great Britain:

(3.) If the House of Commons have resolved that his seat is vacant:

(4.) If he gives in and at the prescribed manner and time notice to the Court that he does not intend to oppose the petition:

31 & 32 Vict.
c. 125.

Notice of such event having taken place shall be given in the county or borough to which the petition relates, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or judge to be admitted as a respondent to oppose the petition, and such person shall on such application be admitted accordingly, either with the respondent, if there be a respondent, or in place of the respondent; and any number of persons not exceeding three may be so admitted.

A petition may be presented against a return after the death of the member returned (Tipperary, 3 O'Malley & Hardeastle, 19).

Any person entitled to be petitioner may give the notice (Rule 51 of Rules, Michaelmas Term, 1868, p. 549).

The prescribed manner of a respondent giving notice that he does not oppose is by writing signed six days before the trial (Rule 52, p. 549).

The time for applying to be admitted as respondent is ten days after the notice (Rule 54, p. 549).

Respondent
not opposing
not to appear
as party or
to sit.

39. A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House of Commons has been informed of the Report on the petition, and the Court or judge shall in all cases in which such notice has been given in the prescribed time and manner report the same to the Speaker of the House of Commons.

Double
undefended
return.

40. Where an election petition under this Act complains of a double return and the respondent has given notice to the prescribed officer that it is not his intention to oppose the petition, and no party has been admitted in pursuance of this Act to defend such return, then the petitioner if there be no petition complaining of the other member returned on such double return, may withdraw his petition by notice addressed to the prescribed officer, and upon the receipt of such notice the prescribed officer shall report the fact of the withdrawal of such petition to the Speaker, and the House of Commons shall thereupon give the necessary directions for amending the said double return by taking off the file the indenture by which the respondent so declining to oppose the petition was returned, or otherwise as the case may require: Provided always, that this section shall not apply to Ireland.

Costs.

Costs of
petition.

41. All costs, charges, and expenses of and incidental to the presentation of a petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or judge may determine, regard being had to the disallowance of any costs, charges, or expenses

which may, in the opinion of the Court or judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

31 & 32 Vict.
c. 125.

The costs may be taxed in the prescribed manner *but according to the same principles as costs between attorney and client are taxed in a suit in the High Court of Chancery* * and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

* Repealed by
the *Corrupt
Practices Act*,
1883.

The manner of taxing and recovering the costs is prescribed by Rule 55 of Rules, Michaelmas Term, 1868 (p. 549).

S. 44 of the Corrupt and Illegal Practices Act, 1883 (p. 493), further defines the mode of imposing costs, and allows them to be imposed on the county or borough, and on persons not parties.

The costs are by the same section to be taxed by analogy to the scale in the High Court as between solicitor and client.

42. If any petitioner in an election petition presented under this Act neglect or refuse for the space of six months after demand to pay to any person summoned as a witness on his behalf, or to the respondent any sum certified to be due to him for his costs, charges, and expenses, and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of the court of elections, in every such case every person who has entered into a recognizance relating to such petition under the provisions of this Act shall be held to have made default in his said recognizance, and the prescribed officer shall thereupon certify such recognizance to be forfeited, and the same shall be dealt with in England in manner provided by the Act of the Third Year of the Reign of King George the Fourth, chapter forty-six, and in Ireland in manner provided by "The Fines Act (Ireland), 1851."

Recognizance,
when to be
estreated, &c.

The forfeiture is certified to the clerk of the peace, by whom writs of execution are sent to the sheriff or other officer.

Punishment of corrupt Practices.

[43. Repealed by the Corrupt Practices Act, 1883.]

44. If on the trial of any election petition under this Act any candidate is proved to have personally engaged at the election to which such petition relates as a canvasser or agent for the management of the election, any person knowing that such person has within seven years previous to such engagement been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by a Committee of the House of Commons, or by the report of the judge upon an election petition under this Act, or by the report of commissioners appointed in pursuance of the Act of

Election of
candidate
employing
corrupt
agent void.

31 & 22 Vict.
c. 125.

the session of the fifteenth and sixteenth years of the reign of her present Majesty, chapter fifty-seven, the election of such candidate shall be void.

[45.-47. Disqualification of Persons found guilty of bribery.—Repealed by the Corrupt Practices Act, 1883.]

Miscellaneous.

Returning officer may be sued for neglecting to return any person duly elected.

48. If any returning officer wilfully delays, neglects, or refuses duly to return any person who ought to be returned to serve in Parliament for any county or borough, such person may, in case it has been determined on the hearing of an election petition under this Act that such person was entitled to have been returned, sue the officer having so wilfully delayed, neglected, or refused duly to make such return at his election in any of her Majesty's Courts of Record at Westminster, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit; provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to such election.

Limitation.

Time.

49. In reckoning time for the purposes of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving shall be excluded.

All controverted elections to be under Act.

50. From and after the next dissolution of Parliament no election or return to Parliament shall be questioned except in accordance with the provisions of this Act, but until such dissolution, elections and returns to Parliament may be questioned in manner heretofore in use.

The House of Commons disregarded this section in the case of O'Donovan Rossa in 1870. He was returned to Parliament, but his return was not only "questioned" but declared void, and the same course was taken in the case of John Mitchell. "Questioned" was interpreted to mean questioned from outside, but the section is not so limited. Possibly action on the part of the House of Commons may be justified when there is a continuing disqualification such as felony on the ground that the "election" is not dealt with but only the right to sit. Where by an act subsequent to the return an election is vacated as by a conviction under s. 6 of the Act of 1883, this section does not apply, as the election or return is not questioned, but set aside by matter subsequent.

Returning officer complained of may be respondent.

51. Where an election petition under this Act complains of the conduct of a returning officer, such returning officer shall for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent.

The returning officer ought not to be made respondent in regard to a *bona fide* mistake of his. See *Harman v. Park*, 6 Q. B. D. 323; 50 L. J. Q. B. 227; 44 L. T. 81; 29 W. R. 750.

Petition complaining of no return.

52. A petition under this Act complaining of no return may be presented to the Court, and shall be deemed to be an election petition within the meaning of this Act, and the Court may make such order thereon as they think expedient for compelling

a return to be made, or may allow such petition to be heard by the judge in manner hereinbefore provided with respect to ordinary election petitions.

31 & 32 Vict.
c. 125.

53. On the trial of a petition under this Act complaining of an undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

Recrimination
on claim
of seat.

By Rule 8 of the Rules, Michaelmas Term, 1868 (p. 541), the recriminating respondent was required to deliver a list of objections to the election.

54. From and after the next dissolution of Parliament the Acts contained in the schedule hereto are repealed so far as relates to elections and petitions to the extent therein mentioned; provided that such repeal shall not affect the validity or invalidity of anything already done or suffered, or any offence already committed, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Repeal of
Acts.

55. The additional puisne judge appointed under this Act to each of the Courts of Queen's Bench, the Common Pleas, and the Exchequer in England shall, as to rank, salary, pension, attendant officers, jurisdiction, and all other privileges and duties of a judge, stand in the same position as the other puisne judges of the Court to which he is attached.

Position of
judges.

Any puisne judge of the said courts appointed in pursuance of or after the passing of this Act shall be authorized to sit, and shall, when requested by the Lord Chancellor, sit as judge of the Court of Probate and Court of Marriage and Divorce or of the Admiralty Court.

56. If upon a petition to the House of Commons, presented within twenty-one days after the return to the Clerk of the Crown in Chancery in England, or to the Clerk of the Crown and Hanaper in Ireland, of a member to serve in Parliament for any borough or county, or within fourteen days after the meeting of Parliament, and signed by any two or more electors of such borough or county, and alleging that corrupt practices have extensively prevailed at the then last election for such borough or county, or that there is reason to believe that corrupt practices have there so prevailed, an address be presented by both Houses of Parliament, praying that such allegation may be inquired into, the Crown may appoint commissioners to inquire into the same, and if such commissioners in such case be appointed, they shall inquire in the same manner and with the same powers and subject to all the provisions of the statute of the fifteenth and sixteenth of Victoria, chapter fifty-seven.

Commissions
of inquiry
into corrupt
practices.

57. Any person who at the time of the passing of this Act was entitled to practise as agent, according to the principles, practice, and rules of the House of Commons, in cases of election petitions, and matters relating to election of members of the

Rules as to
agents prac-
tising in cases
of election
petitions.

31 & 32 Vict.
c. 125.

House of Commons, shall be entitled to practise as an attorney or agent in cases of election petitions and all matters relating to elections before the Court and judges prescribed by this Act: Provided, that every such person so practising as aforesaid shall, in respect of such practice and everything relating thereto, be subject to the jurisdiction and orders of the Court as if he were an attorney of the said Court: and further, Provided, that no such person shall practise as aforesaid until his name shall have been entered on a roll to be made and kept, and which is hereby authorized to be made and kept, by the prescribed officer in the prescribed manner.

The roll is provided for by Rule 56 of Rules, Michaelmas Term, 1868, *et seq.*, p. 550.

[58. Application of Act to Scotland.]

Duration of
Act.

59. This Act shall be in force until the expiration of three years from the passing of such Act, and to the end of the then next session of Parliament.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
4 & 5 Vict. c. 57	An Act for the Prevention of Bribery at Elections.	The whole Act.
5 & 6 Vict. c. 102	An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament.	The whole Act.
11 & 12 Vict. c. 98	An Act to amend the Law for the Trial of Election Petitions.	The whole Act.
26 Vict. c. 29	An Act to amend and continue the Law relating to corrupt Practices at Elections of Members of Parliament.	Section 8.
28 Vict. c. 8	An Act to amend "The Election Petitions Act, 1848," in certain Particulars.	The whole Act.

MICHAELMAS TERM, 1868.

GENERAL RULES made by the JUDGES for the time being for the TRIAL of ELECTION PETITIONS in England.

General Rules made by Sir Samuel Martin, Knight, one of the Barons of the Exchequer; Sir James Shaw Willes, Knight, one of the Justices of the Common Pleas; and Sir Colin Blackburn, Knight, one of the Justices of the Queen's Bench; the Judges for the time being for the trial of election petitions in England, pursuant to "The Parliamentary Elections Act, 1868."

I. The presentation of an election petition shall be made by leaving it at the office of the Master nominated by the Chief Justice of the Common Pleas; and such Master or his clerk shall (if required) give a receipt, which may be in the following form:—

Mode of presenting petitions.

Received on the day of , at the Master's office, a petition touching the election of A. B., a member for purporting to be signed by [*insert the names of petitioners*].
C. D., Master's Clerk.

With the petition shall also be left a copy thereof for the Master to send to the returning officer, pursuant to section 7 of the Act.

Copy.

II. An election petition shall contain the following statements:—

Contents.

1. It shall state the right of the petitioner to petition within section 5 * of the Act.
2. It shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer.

* p. 552.

It is sufficient to allege that the respondent by himself and his agents has been guilty of bribery: *Beale v. Smith*, L. R. 4 C. P. 145; 38 L. J. Q. P. 145; 17 W. R. 317.

III. The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject; and every paragraph shall be numbered consecutively; and no costs shall be allowed of drawing or copying any petition not substantially in compliance with this rule, unless otherwise ordered by the Court or a judge.

Paragraphs

IV. The petition shall conclude with a prayer, as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced (as the case may be), and shall be signed by all the petitioners.

Prayer.

V. The following form, or one to the like effect, shall be sufficient:—

Form of petition.

“The Parliamentary Elections Act, 1868.”

The petition of A., of [or of A., of , and B.,
of , *as the case may be*], whose names are subscribed.

2. And your petitioners state that the election was holden on the _____ day of _____, A.D., _____ when A. B., C. D., and E. F., were candidates, and the returning officer has returned A. B. and C. D. as being duly elected.

Wherefore your petitioners pray that it may be determined that the said A. B. was not duly elected or returned, and that the election was void [or that the said E. F. was duly elected and ought to have been returned, or as the case may be].

Particulars.

Order made for particulars "so far as known": *Maude v. Lowley*, L. R. 9 C. P. 165; 43 L. J. C. P. 103; 30 L. T. 168; 22 W. R. 649. The order for particulars is discretionary, and the Court refused to interfere when particulars of persons bribed and not of bribers were ordered: *Beale v. Smith*, L. R. 4 C. P. 145; 38 L. J. C. P. 145; 17 W. R. 317.

Upon particulars that A. bribed B. on certain days, evidence of a promise to bribe on a previous day held admissible (*Collins v. Pries*, 44 L. T. 192); but evidence of numerous instances of treating not specified inadmissible to show general treating.

Amendment of the list.] This does not allow an extension of the time for delivering the list. So held under the Rule as to municipal elections, framed in the same terms: *Nield v. Batty*, L. R. 9 C. P. 104; 43 L. J. C. P. 73.

VII. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, six days before the day appointed for trial, deliver to the Master and also at the address (if any) given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote; and the Master shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

On claim of seat, list of voters and objections.

VIII. When the respondent in a petition under the Act, complaining of an undue return, and claiming the seat for some person, intends to give evidence to prove that the election of such person was undue, pursuant to the 53rd section of the Act,* such respondent shall, six days before the day appointed for trial, deliver to the Master, and also at the address (if any) given by the petitioner, a list of the objections to the election upon which he intends to rely; and the Master shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Court or judge, upon such terms as to amendments of the list, postponement of the inquiry, and payment of costs, as may be ordered.

On recrimination list by respondent of objections to election.

* p. 537.

As to reckoning the days, see Rules 3 and 4 of Rules, January, 1875 (p. 553).

IX. With the petition petitioners shall leave at the office of the Master a writing, signed by them or on their behalf, giving the name of some person entitled to practise as attorney or agent in cases of election petitions whom they authorize to act as their agent, or stating that they act for themselves, as the case may be, and in either case giving an address, within three miles from the General Post Office, at which notices addressed to them may be left; and if no such writing be left or address given, then notice of objection to the recognizances, and all other notices and proceedings may be given by sticking up the same at the Master's office.

Petitioner's address for service.

X. Any person returned as a member may at any time after he is returned send or leave at the office of the Master a writing signed by him or on his behalf, appointing a person entitled to practise as an attorney or agent in cases of election petitions, to act as his agent in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within three miles from the General Post Office at which notices may be left; and in default of such writing being left in a week after service of the petition, notices

Returned member's address for service.

and proceedings may be given and served respectively by sticking up the same at the Master's office.

Address book.

XI. The Master shall keep a book or books at his office in which he shall enter all addresses and the names of agents given under either of the preceding rules, which book shall be open to inspection by any person during office hours.

Documents for returning officer.

* p. 524.

XII. The Master shall upon the presentation of the petition forthwith send a copy of the petition to the returning officer, pursuant to section 7 of the Act,* and shall therewith send the name of the petitioners' agent (if any), and of the address (if any), given as prescribed; and also of the name of the respondent's agent, and the address (if any) given as prescribed; and the returning officer shall forthwith publish those particulars along with the petition.

Cost.

The cost of publication of this and any other matter required to be published by the returning officer, shall be paid by the petitioner or person moving in the matter, and shall form part of the general cost of the petition.

Notice to respondent.

XIII. The time for giving notice of the presentation of a petition and of the nature of the proposed security, shall be five days, exclusive of the day of presentation.

This notice to the respondent is required by s. 8 of the Act of 1868 (p. 524). The time cannot be extended (see *Williams v. Truby*, 5 C. P. D. 135; 49 L. J. C. P. 325).

Service of notice on agent.

XIV. Where the respondent has named an agent or given an address, the service of an election petition may be by delivery of it to the agent, or by posting it in a registered letter to the address given at such time that, in the ordinary course of post, it would be delivered within the prescribed time.

Otherwise personal.

In other cases the service must be personal on the respondent, unless a judge, on an application made to him not later than five days after the petition is presented on affidavit showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, including when practicable service upon an agent for election expenses, in which case the judge may order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable.

The election agent is now the agent for election expenses. (See p. 478)

Substituted service.

XV. In case of evasion of service the sticking up a notice in the office of the Master of the petition having been presented stating the petitioner, the prayer, and the nature of the proposed security, shall be deemed equivalent to personal service if so ordered by a judge.

Deposit, how made.

XVI. The deposit of money by way of security for payment of costs, charges, and expenses payable by the petitioner, shall be made by payment into the Bank of England to an account to be opened there by the description of "The Parliamentary

Elections Act, 1868, Security Fund," which shall be vested in and drawn upon, from time to time, by the Chief Justice of the *Common Pleas* for the time being, for the purposes for which security is required by the said Act, and a bank receipt or certificate for the same shall be forthwith left at the Master's office.

XVII. The Master shall file such receipt or certificate, and keep a book open to inspection of all parties concerned, in which shall be entered, from time to time, the amount and the petition to which it is applicable.

Filing
certificate of
deposit.

XVIII. The recognizance as security for costs may be acknowledged before a judge at chambers or the Master in town, or a justice of the peace in the country.

Acknow-
ledging
recognizance.

There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more, as may be convenient.

XIX. The recognizance shall contain the name and usual place of abode of each surety, with such sufficient description as shall enable him to be found or ascertained, and may be as follows:—

Form of
recognizance.

Be it remembered that on the day of , in the year of our Lord 18 , before me [*name and description*] came A. B., of [*name and description as above prescribed*], and acknowledged himself [*or severally acknowledged themselves*] to owe to our Sovereign Lady the Queen the sum of one thousand pounds [*or the following sums*] (that is to say) the said C. D., the sum of £ , the said E. F., the sum of £ , the said G. H., the sum of £ , and the said J. K., the sum of £ , to be levied on his [*or their respective*] goods and chattels, land and tenements, to the use of our said Sovereign Lady the Queen, her heirs, and successors.

The condition of this recognizance is that if [*here insert the names of all the petitioners and if more than one, add, or any of them*] shall well and truly pay all costs, charges, and expenses, in respect of the election petition signed by him [*or them*] relating to the [*here insert the name of the borough or county*] which shall become payable by the said petitioner [*or petitioners, or any of them*] under "The Parliamentary Elections Act, 1868," to any person or persons, then this recognizance to be void, otherwise to stand in full force.

(Signed)

[*Signature of Sureties.*]

Taken and acknowledged by the above-named [*names of sureties*] on the day of at , before me,
C. D.

A justice of the peace [*or as the case may be*].

XX. The recognizance or recognizances shall be left at the Master's office, by or on behalf of the petitioner in like manner

Leaving
recognizances.

as before prescribed for the leaving of a petition forthwith after being acknowledged.

For the manner of leaving a petition, see rule 1 (p. 539).

Time for
objecting to
recognizance.

* p. 524.

XXI. The time for giving notice of any objection to a recognizance under the 8th section of the Act,* shall be within five days from the date of service of the notice of the petition and of the nature of the security, exclusive of the day of service.

Grounds of
objection.

XXII. An objection to the recognizance must state the ground or grounds thereof, as that the sureties or any, and which of them, are insufficient, or that a surety is dead, or that he cannot be found, or that a person named in the recognizance has not duly acknowledged the same.

Heard by
Master.

XXIII. Any objection made to the security shall be heard and decided by the Master, subject to appeal within five days to a judge, upon summons taken out by either party to declare the security sufficient or insufficient.

Evidence.

XXIV. Such hearing and decision may be either upon affidavit or personal examination of witnesses or both, as the Master or judge may think fit.

If sufficient,
issue.

† p. 524.

XXV. If by order made upon such summons the security be declared sufficient, its sufficiency shall be deemed to be established within the meaning of the 9th section of the said Act,† and the petition shall be at issue.

If insufficient,
requisite
amount fixed.

XXVI. If by order made upon such summons an objection be allowed and the security be declared insufficient, the Master or judge shall in such order state what amount he deems requisite to make the security sufficient; and the further prescribed time to remove the objection by deposit shall be within five days from the date of the order, not including the day of the date, and such deposit shall be made in the manner already prescribed.

Costs.

XXVII. The costs of hearing and deciding the objections made to the security given shall be paid as ordered by the Master or judge, and in default of such order shall form part of the general costs of the petition.

Justifying
sureties by
affidavit.

XXVIII. The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties, shall be paid by the petitioner, and a clause to that effect shall be inserted in the order declaring its sufficiency or insufficiency, unless at the time of leaving the recognizance with the Master there be also left with the Master an affidavit of the sufficiency of the surety or sureties sworn by each surety before a justice of the peace, which affidavit any justice of the peace is hereby authorized to take, or before some person authorized to take affidavits in the Court of *Common Pleas*, that he is seised or possessed of real or personal estate, or both, above what will satisfy his debts of the clear value of the sum for which he is bound by his recognizance. which affidavit may be as follows:

In the *Common Pleas*.

“Parliamentary Elections Act, 1868.”

I, A. B., of [*as in recognizance*] make oath and say that I am seised or possessed of real [*or personal*] estate above what will satisfy my debts of the clear value of £

Sworn, &c.

XXIX. The order of the Master for payment of costs shall have the same force as an order made by a judge, and may be made a Rule of the Court of *Common Pleas*, and enforced in like manner as a judge's order. Enforcing costs.

XXX. The Master shall make out the election list. In it he shall insert the name of the agents of the petitioners and respondent, and the addresses to which notices may be sent, if any. The list may be inspected at the Master's office at any time during office hours, and shall be put up for that purpose upon a notice board appropriated to proceedings under the said Act, and headed “Parliamentary Elections Act, 1868.” Election list

XXXI. The time and place of the trial of each election petition shall be fixed by the judges on the rota, and notice thereof shall be given in writing by the Master by sticking notice up in his office, sending one copy by the post to the address given by the petitioner, another to the address given by the respondent (if any) and a copy by the post to the sheriff, or in case of a borough having a mayor, to the mayor of that borough, fifteen days before the day appointed for the trial. Notice of time and place of trial.

The sheriff or mayor, as the case may be, shall forthwith publish the same in the county or borough.

XXXII. The sticking up of the notice of trial at the office of the Master shall be deemed and taken to be notice in the prescribed manner within the meaning of the Act, and such notice shall not be vitiated by any miscarriage of, or relating to, the copy or copies thereof to be sent as already directed. Serving notice of trial.

XXXIII. The notice of trial may be in the following form :— Form of notice.

“Parliamentary Elections Act, 1868.”

Election petition of county [*or borough*] of .
Take notice that the above petition [*or petitions*] will be
tried at on the day of and on such other
subsequent days as may be needful.

Dated the day of .

Signed, by order,

A. B.,

The Master appointed under the above Act.

XXXIV. A judge may from time to time, by order made upon the application of a party to the petition, or by notice in such form as the judge may direct to be sent to the sheriff or Postponing trial.

Adjournment
through
judge's
absence.

Adjourned
from day to
day.

Application to
state case.

Title of Court.

mayor, as the case may be, postpone the beginning of the trial to such day as he may name, and such notice when received shall be forthwith made public by the sheriff or mayor.

XXXV. In the event of the judge not having arrived at the time appointed for the trial, or to which the trial is postponed, the commencement of the trial shall *ipso facto* stand adjourned to the ensuing day, and so from day to day.

XXXVI. No formal adjournment of the Court for the trial of an election petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded; and in the event of the judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another judge.

XXXVII. The application to state a special case may be made by rule in the Court of *Common Pleas* when sitting, or by a summons before a judge at chambers, upon hearing the parties.

XXXVIII. The title of the Court of Record held for the trial of an election petition may be as follows:—

Court for the trial of an election petition for the [county of or borough of as may be] between petitioner and respondent, and it shall be sufficient so to entitle all proceedings in that Court.

Registrar of
Court.

XXXIX. An officer shall be appointed for each Court for the trial of an election petition, who shall attend at the trial in like manner as the clerks of assize and of arraigns attend at the assizes.

Such officer may be called the Registrar of that Court. He by himself, or in case of need his sufficient deputy, shall perform all the functions incident to the officer of a Court of Record, and also such duties as may be prescribed to him.

[XL. Revoked by Rule 5 of Rules, January, 1875.]

Form of
subpcena.

XLI. The order of a judge to compel the attendance of a person, as a witness, may be in the following form:—

Court for the trial of an election petition for [complete the title of the Court] the day of To A. B. [describe the person] you are hereby required to attend before the above Court at [place] on the day of at the hour of [or forthwith, as the case may be] to be examined as a witness in the matter of the said petition, and to attend the said Court until your examination shall have been completed.

As witness my hand,

A. B.

Judge of the said Court.

The Court has no jurisdiction to order the attachment of persons evading service of subpcenas: *Heywood v. Dodson*, 44 L. T. 285.

XLII. In the event of its being necessary to commit any person for contempt, the warrant may be as follows:—

Form of
warrant for
contempt.

At a Court holden on at for the trial of an election petition for the county [*or borough*] of before Sir Samuel Martin, Knight, one of the *Barons of Her Majesty's Court of Exchequer*, and one of the judges for the time being for the trial of election petitions in England, pursuant to "The Parliamentary Elections Act, 1868."

Whereas A. B. has this day been guilty, and is by the said Court adjudged to be guilty, of a contempt thereof, the said Court does therefore sentence the said A. B. for his said contempt to be imprisoned in the gaol for calendar months, and to pay to our Lady the Queen a fine of £ and to be further imprisoned in the said gaol until the said fine be paid; and the Court further orders that the sheriff of the said county [*or as the case may be*], and all constables and officers of the peace of any county or place where the said A. B. may be found, shall take the said A. B. into custody and convey him to the said gaol, and there deliver him into the custody of the gaoler thereof, to undergo his said sentence; and the Court further orders the said gaoler to receive the said A. B. into his custody, and that he shall be detained in the said gaol in pursuance of the said sentence.

A. D.

Signed the day of

S. M.

XLIII. Such warrant may be made out and directed to the sheriff or other person having the execution of process of the Superior Courts, as the case may be, and to all constables and officers of the peace of the county or place where the person adjudged guilty of contempt may be found, and such warrant shall be sufficient without further particularity, and shall and may be executed by the persons to whom it is directed, or any or either of them.

To whom
directed.

XLIV. All interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before a judge, who shall have the same control over the proceedings under "The Parliamentary Elections Act, 1868," as a judge at chambers in the ordinary proceedings of the Superior Courts, and such questions and matters shall be heard and disposed of by one of the judges upon the rota, if practicable, and if not, then by any judge at chambers.

Interlocutory
proceedings
before judge.

XLV. Notice of an application for leave to withdraw a petition shall be in writing, and signed by the petitioners or their agent.

Notice of
application for
leave to
withdraw.

It shall state the ground on which the application is intended to be supported.

The following form shall be sufficient:—

“ Parliamentary Elections Act, 1868.”

County [*or borough*] of petition of [*state petitioners*]
presented day of .

The petitioner proposes to apply to withdraw his petition upon the following ground [*here state the ground*] and prays that a day may be appointed for hearing his application.
Dated this day of .

(Signed)

XLVI. The notice of application for leave to withdraw shall be left at the Master's office.

Service of
notice.

XLVII. A copy of such notice of the intention of the petitioner to apply for leave to withdraw his petition shall be given by the petitioner to the respondent, and to the returning officer, who shall make it public in the county or borough to which it relates, and shall be forthwith published by the petitioner in at least one newspaper circulating in the place.

The following may be the form of such notice:—

“ Parliamentary Elections Act, 1868.”

In the election petition for in which is petitioner and respondent.

Notice is hereby given, that the above petitioner has on the day of lodged at the Master's office, notice of an application to withdraw the petition, of which notice the following is a copy [*set it out*].

And take notice that, by the rule made by the judges, any person who might have been a petitioner in respect of the said election, may within five days after publication by the returning officer of this notice, give notice in writing of his intention on the hearing, to apply for leave to be substituted as a petitioner.

(Signed)

Substituted
petitioner.

XLVIII. Any person who might have been a petitioner in respect of the election to which the petition relates, may within five days after such notice is published by the returning officer, give notice, in writing, signed by him or on his behalf, to the Master, of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application, if in fact made at the hearing.

Fixing
hearing of
application

XLIX. The time and place for hearing the application shall be fixed by a judge, and whether before the Court of *Common Pleas* or before a judge, as he may deem advisable, but shall not be less than a week after the notice of the intention to apply has been given to the Master as hereinbefore provided, and notice of the time and place appointed for the hearing shall

be given to such person or persons (if any) as shall have given notice to the Master of an intention to apply to be substituted as petitioners, and otherwise in such manner and at such time as the judge directs.

L. Notice of abatement of a petition, by death of the petitioner or surviving petitioner, under section 37 * of the said Act, shall be given by the party or person interested in the same manner as notice of an application to withdraw a petition, and the time within which application may be made to the Court or a judge, by motion or summons at chambers, to be substituted as a petitioner, shall be one calendar month, or such further time as upon consideration of any special circumstances the Court or a judge may allow.

Notice of
abatement on
petitioner's
death.

* p. 533.

For the manner of applying to withdraw, see Rule 45.

LI. If the respondent dies or is summoned to Parliament as a peer of Great Britain by a writ issued under the Great Seal of Great Britain, or if the House of Commons have resolved that his seat is vacant, any person entitled to be a petitioner under the Act in respect of the election to which the petition relates, may give notice of the fact in the county or borough by causing such notice to be published in at least one newspaper circulating therein (if any) and by leaving a copy of such notice signed by him or on his behalf with the returning officer, and a like copy with the Master.

Notice on
respondent's
death.

LII. The manner and time of the respondent's giving notice to the Court that he does not intend to oppose the petition, shall be by leaving notice thereof in writing at the office of the Master signed by the respondent six days before the day appointed for trial exclusive of the day of leaving such notice.

Notice of not
opposing.

LIII. Upon such notice being left at the Master's office, the Master shall forthwith send a copy thereof by the post to the petitioner or his agent, and to the sheriff or mayor, as the case may be, who shall cause the same to be published in the county or borough.

Notice to be
forwarded.

LIV. The time for applying to be admitted as a respondent in either of the events mentioned in the 38th section † of the Act, shall be within ten days after such notice is given as hereinbefore directed, or such further time as the Court or a judge may allow.

Time for
applying to
be respondent.

† p. 533.

LV. Costs shall be taxed by the Master or, at his request, by any Master of a *superior court*, upon the rule of court or judge's order by which the costs are payable, and costs when taxed may be recovered by execution issued upon the rule of court ordering them to be paid; or, if payable by the order of a judge, then by making such order a rule of court in the ordinary way and issuing execution upon such rule against the person by whom the costs are ordered to be paid, or in case there be

Taxation
of costs.

money in the bank available for the purpose, then to the extent of such money by order of the Chief Justice of the Common Pleas for the time being, upon a duplicate of the rule of court.

The office fees payable for inspection, office copies, enrolment, and other proceedings under the Act, and these rules shall be the same as those payable (if any) for like proceedings according to the present practice of the Court of *Common Pleas*.

A lump sum may be allowed for "instructions for brief": *Fleming v. Cave*, 44 L. J. C. P. 200. As to counsel's fees, consultations, daily refreshers, see *Re Tamworth*, L. R. 5 C. P. 172; 39 L. J. C. P. 89; 22 L. T. 98. Consultations allowed: *Tillett v. Stracy*, L. R. 5 C. P. 185; 39 L. J. C. P. 93; 22 L. T. 101; 18 W. K. 631.

The amount of expenses allowed to witnesses by the registrar is not conclusive on taxation: *McLaren v. Howe*, 7 Q. B. D. 477; 50 L. J. Q. B. 658.

As to costs on withdrawal of petition three days before trial, see *Hughes v. Meyrick*, L. R. 5 C. P. 407; 39 L. J. C. P. 249. Title to costs allowed when Parliament dissolved on the same day as that on which judgment given: *Marshall v. James*, L. R. 9 C. P. 702; 43 L. J. C. P. 281.

Roll of
election
agents.

* p. 537.

LVI. The Master shall prepare and keep a roll properly headed for entering the names of all persons entitled to practise as attorney or agent in cases of election petitions, and all matters relating to elections before the Court and judges pursuant to the 57th section * of the said Act, which roll shall be kept and dealt with in all respects as the roll of attorneys of the Court of Common Pleas, and shall be under the control of the Court, as to striking off the roll and otherwise.

Signing roll.

LVII. The entry upon the roll shall be written and subscribed by the attorney or agent, or some attorney authorized by him in writing to sign on his behalf, who shall therein set forth the name, description, and address in full.

Persons
entitled to
practise.

LVIII. The Master may allow any person upon the roll of attorneys for the time being, and during the present year any person whose name or the name of whose firm is in the law list of the present year as a Parliamentary agent to subscribe the roll, and permission to subscribe the roll may be granted to any other person by the Court or a judge upon affidavit, showing the facts which entitle the applicant to practise as agent according to the principles, practice, and rules of the House of Commons in cases of election petitions.

Notice of
retainer to
master.

LIX. An agent employed for the petitioner or respondent shall forthwith leave written notice at the office of the Master, of his appointment to act as such agent, and service of notices and proceedings upon such agent shall be sufficient for all purposes.

Publication
of rules.

LX. No proceeding under "The Parliamentary Elections Act, 1868," shall be defeated by any formal objection.

LXI. Any rule made or to be made in pursuance of the Act, if made in term time, shall be published by being read by the

Master in the *Court of Common Pleas*, and if made out of term, by a copy thereof being put up at the Master's office.

Dated the 21st day of November, 1868.

(Signed) *Samuel Martin,*
J. S. Willes,
Colin Blackburn,

The Judges for the trial of Election
Petitions in England.

I certify that the above is a correct copy of the rules settled by the above-named judges, and which were read in the Court of Common Pleas on the 23rd November, 1868.

John Gordon,
The prescribed officer.

Additional GENERAL RULES of PROCEDURE in reference to
ELECTION PETITIONS in England.

Additional General Rule made by Sir Samuel Martin, Knight, one of the Barons of the Exchequer; Sir James Shaw Willes, Knight, one of the Justices of the Common Pleas; and Sir Colin Blackburn, Knight, one of the Justices of the Queen's Bench; the Judges for the time being for the trial of Election Petitions in England, pursuant to "The Parliamentary Act, 1868."

That notice of the time and place of the trial of each election petition shall be transmitted by the Master to the Treasury, and to the Clerk of the Crown in Chancery; and that the Clerk of the Crown in Chancery shall, on or before the day fixed for the trial, deliver, or cause to be delivered, to the registrar of the judge who is to try the petition or his deputy, the poll books, for which the registrar or his deputy shall give, if required, a receipt: And that the registrar shall keep in safe custody the said poll books until the trial is over, and then return the same to the Crown Office.

Notice of
trial to
Treasury and
Clerk of the
Crown.

Poll books.

Dated the 19th day of December, 1868.

Samuel Martin,
J. S. Willes,
Colin Blackburn,

The Judges for the trial of Election
Petitions in England.

15 April, 1869.

I certify that this is a correct copy of the rule made by the judges, whose names are hereunto subscribed.

J. Gordon,
The officer appointed under the Act.

Additional General Rules made by the Judges for the time being for the trial of Election Petitions in England, pursuant to "The Parliamentary Elections Act, 1868."

Claims on deposit.

* p. 542.

Ultimate destination of deposit.

Mode of applying.

Recipient.

1. All claims at law or in equity to money deposited or to be deposited in the Bank of England for payment of costs, charges, and expenses payable by the petitioners, pursuant to the 16th General Rule,* made the 21st of November, 1868, by the judges for the trial of election petitions in England, shall be disposed of by the Court of *Common Pleas* or a judge.

2. Money so deposited shall, if and when the same is no longer needed for securing payment of such costs, charges, and expenses, be returned or otherwise disposed of as justice may require, by rule of the Court of *Common Pleas* or order of a judge.

3. Such rule or order may be made after such notice of intention to apply, and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Court or judge may require.

4. The rule or order may direct payment either to the party in whose name the same is deposited or to any person entitled to receive the same.

5. Upon such rule or order being made, the amount may be drawn for by the Chief Justice of the *Common Pleas* for the time being.

6. The draft of the Chief Justice of the *Common Pleas* for the time being shall, in all cases, be a sufficient warrant to the Bank of England for all payments made thereunder.

Dated the 25th day of March, 1869.

Samuel Martin,
J. S. Willes,
Colin Blackburn,

The Judges for the trial of Election
Petitions in England.

15 April, 1869.

I certify that this is a correct copy of the rules made by the judges, whose names are hereunto subscribed.

J. Gordon,
The officer appointed under the Act.

Additional General Rules made by the Judges for the time being for the trial of Election Petitions in England, pursuant to "The Parliamentary Elections Act, 1868," for the more effectual execution of the said Act.

Filing copies.

1. A copy of every order (other than an order giving further time for delivering particulars, or for costs only), or, if the Master shall so direct, the order itself or a duplicate thereof,

also a copy of every particular delivered, shall be forthwith filed with the Master, and the same shall be produced at the trial by the registrar, stamped with the official seal. Such order and particular respectively shall be filed by the party obtaining the same.

2. The petitioner or his agent shall, immediately after notice of the presentation of a petition and of the nature of the proposed security shall have been served, file with the Master an affidavit of the time and manner of service thereof. Affidavit of service.

3. The days mentioned in Rules 7 and 8, and in any rule of court or judges' order, whereby particulars are ordered to be delivered, or any act is directed to be done, so many days before the day appointed for trial, shall be reckoned exclusively of the day of delivery, or of doing the act ordered and the day appointed for trial, and exclusively also of Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving. Reckoning days.

This applies, s. 49 of the Act of 1868 (p. 536), to the Rules.

4. When the last day for presenting petitions, or filing lists of votes or objections, under Rules 7 and 8, or recognizances, or any other matter required to be filed within a given time, shall happen to fall on a holiday, the petition or other matter shall be deemed duly filed if put into the letter box at the Master's office at any time during such day; but an affidavit stating with reasonable precision the time when such delivery was made, shall be filed on the first day after the expiration of the holidays. Last day a holiday.

5. Rule 40 is hereby revoked, and in lieu thereof it is ordered that the amount to be paid to any witness whose expenses shall be allowed by the judge shall be ascertained and certified by the registrar; or in the event of his becoming incapacitated from giving such certificate, by the judge. Witnesses' expenses.

Rule 40 is amended by providing for the incapacity of the registrar.

6. After receiving notice of the petitioner's intention to apply for leave to withdraw, or of the respondent's intention not to oppose, or of the abatement of the petition by death, or of the happening of any of the events mentioned in the 38th section of the Act,* if such notice be received after notice of trial shall have been given, and before the trial has commenced, the Master shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial. Countermand of trial in certain cases.

* p. 533.

Dated the 27th day of January, 1875.

*G. Pigott,
Robt. Lush,
George E. Honyman,*

Judges for the time being on the rota for the trial of
Election Petitions in England.

42 & 43 Vict.
c. 75.

42 & 43 Vict. c. 75. An Act to amend and continue the Acts relating to Election Petitions, and to the prevention of Corrupt Practices at Parliamentary Elections.

[15th August, 1879.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Parliamentary Elections and Corrupt Practices Act, 1879.

Trial of election petition before two judges.

2. The trial of every election petition, and the hearing of an application for the withdrawal of an election petition shall be conducted before two judges instead of one, and the Parliamentary Elections Act, 1868, shall be construed as if for the purpose of hearing and determining the petition at the trial and of hearing and determining any application for the withdrawal of an election petition two judges were mentioned, and additional judges shall, if necessary, be placed on the rota accordingly.

Every certificate and every report sent to the Speaker in pursuance of the said Act shall be under the hands of both judges, and if the judges differ as to whether the member whose return or election is complained of was duly returned or elected they shall certify that difference, and the member shall be deemed to be duly elected or returned ; and if the judges determine that such member was not duly elected or returned, but differ as to the rest of the determination, they shall certify that difference, and the election shall be deemed to be void ; and if the judges differ as to the subject of a report to the Speaker, they shall certify that difference and make no report on the subject on which they so differ.

Save as aforesaid, any order, act, application, or thing for the purposes of the said Act may continue to be made or done by, to, or before one judge. The expenses incident to the sitting of two judges shall be defrayed as the expenses of one judge are payable under the provisions of the said Act.

44 & 45 Vict.
c. 68, ss. 13
& 14.

44 & 45 Vict. c. 68, ss. 13 & 14. Judicature Act, 1881.

Rota of
Queen's Bench
Judges.

13. The judges to be placed on the rota for the trial of election petitions in England in each year under the provisions of the Parliamentary Elections Act, 1868, or any Act amending the same, shall henceforth be selected out of the judges of the Queen's Bench Division of the High Court of Justice in such manner as may be provided by any Rules of Court to be made for that purpose and subject thereto, shall be selected as follows (that is to say) the judges of the Queen's Bench Division of the High Court shall, on or before the 4th day of November in

every year, select by a majority of votes three of the puisne judges of such division (none of whom shall be a member of the House of Lords) to be placed on the rota for the trial of election petitions during the ensuing year.

44 & 45 Vict.
c. 68, ss. 13
& 14.

If in any case the judges of the said division present at the time of their meeting to make such selection are equally divided in their choice of any judge to be placed on the rota, the Lord Chief Justice of England, or, in case of his absence, the senior judge then present shall have a second or casting vote.

The choice of a judge to fill any occasional vacancy upon the rota, or to assist the judge on the rota as an additional judge, shall be made in like manner.

This provision now takes the place of s. 11, subs. 2 & 3, of the Election Petitions Act, 1868 (p. 525).

14. The jurisdiction of the High Court of Justice to decide questions of law, upon appeal or otherwise, under the Act of the sixth and seventh years of her Majesty, chapter eighteen, the County Voters Registration Act, 1865, the Parliamentary Elections Act, 1868, the Corrupt Practices (Municipal Elections) Act, 1872, the Parliamentary and Municipal Registration Act, 1878, or any of the said Acts, or any Act amending the same respectively, shall henceforth be final and conclusive, unless in any case it shall seem fit to the High Court to give special leave to appeal therefrom to her Majesty's Court of Appeal, whose decision in such case shall be final and conclusive.

Appeal from
High Court
to Court of
Appeal.

See note to this section, p. 163, *ante*.

By s. 11 (16) (p. 527), the decision of the High Court on a special case was conclusive. This section amends that section.

INDEX.

ABATEMENT,

reviver of objection on death of objector, 152
of election petition, 533

ABODE,

declaration by party changing, 123
in borough, 151

ABSENCE

of revising barrister, 88
appointment of substitute, 88, 243
leave of, to employes at election, 519

ABSTRACT

of lists and objections for revising barrister, 88
to be sent by clerk of peace and town clerk, 88

ACCELERATION CLAUSES

of Redistribution of Seats Act, 240

ACCEPTANCE OF OFFICE,

re-election necessary during recess, 374
new writ upon, 418

ACTION

for contravention of Registration Acts, 111

ADDRESS FOR SERVICE,

petitioner's, 541
member's, 541

ADJOURNMENT

of Revision Court, 94
in case of illness of barrister, 134
no formal adjournment necessary, 134
of poll in case of riot, 400
by presiding officer, 437

ADMIRALTY, Commissioner of the,
sixth, disqualified as candidate, 371

ADMIRALTY, Council of the,
qualified as candidates, 369

ADVERTISING,

illegal payments for use of premises for, 469

AFFIDAVITS

on withdrawing petition, 489

AGENCY,

postponing proof of, 529
corrupt, avoids election, 535

AGENT

may not sign notice of objection, 78

AGENT, at election,

liability of candidate for acts of, 468, 535

appointment of election agent, 476

candidate may be his own, 477

all payments to be by, 478

ALIEN,

definition of, 51

may not vote, 51

may not sit, 346

naturalized, may both sit and vote, 51

ALMS,

disqualification by receipt of, 25

in county, 43

AMENDMENT,

duty of revising barrister to make, 153

power of revising barristor to make, 153

APPEAL

from revising barrister to High Court, 94

on point of law only, 94, 107

not on admissibility of evidence, 107

statement of case, 94

discretion of barrister, 94

appeal by rule, if case refused, 161

consolidation of appeals, 96

naming of appellant, 96

of respondent, 97

contributions to costs, 97

party interested may sever, 98

hearing of appeals, 104

notice and entry of, 105, 106

notice of time and place by Court, 106

remitting case for fuller statement, 107

costs, 108

practice as to, 109

order on town clerk or clerk of peace, 161

pending, not to affect right of voting, 108

decision to be notified to returning officer, 108

register to be altered conformably, 108

further appeal to Court of Appeal, 107, 163

by leave only, 163

special provisions as to, in 1885.. 242

to quarter sessions from conviction, 497

ARMY OFFICERS

need not vacate seats, 351

ASSESSED TAXES,

payment of, for borough occupation franchise, 18

ATHEIST

not disqualified for election, 348

disqualified for sitting, 348

ATTESTATION

of lodger's claim, 200

of declaration of misdescription, 204

-
- ATTORNEY-GENERAL,**
report of Election Court submitted to, 499
- AUDITOR OF CIVIL LIST,**
disqualification of, as candidate, 365
- AVOIDANCE OF SEAT**
for corrupt practice, 468, 469
for illegal practice, 471
- BALLOT,**
voting by, 431
- BALLOT ACT,**
table of contents of, 430
- BALLOT BOX,**
opening of, 432
construction of, 443
sealing, 443
- BALLOT PAPER,**
voting by, 431, 443
form of, 451
forging, abstracting, &c., 433
contents of, 443
tendered and spoilt, 444
ballot paper account, 445
- BAND OF MUSIC,**
payment for, illegal, 473
- BANKRUPTCY,**
English disqualification by from sitting, 383
in Scotland, 386
Irish, disqualification by, 381
Scotch, disqualification by, 386
Irish judge in, disqualified, 374
- BANNERS,**
payments for, illegal, 473
- BARBISTER,**
appointment, &c., of revising, 86, 135, 243
See REVISING BARBISTER.
may not appear for party at Revision Court, 94
reported guilty to be dealt with, 486
- BEER,**
place for sale of, not to be committee room, 474
- BENEFICE,**
qualification by, 3
- BILL,**
payment of, by election agent, 478
- BLIND PERSONS,**
voting by, 444
- BOROUGH**
occupation of £10 land or tenement in, 62
of dwelling-house in, 35
of lodgings in, 37
returning officer in municipal, mayor, 464
in non-municipal, 516

"BOROUGH OCCUPATION FRANCHISE,"
meaning of, in Act of 1884 .. 63

BOROUGHES,
list of parliamentary, 339
to cease as such, 257, 267
to lose one member, 258
to have boundaries altered, 272
to be divided, 339

BOSTON,
disqualification of certain persons in, 72

BRIBERY,
disfranchisement of certain persons for, 72
enfranchisement of persons disfranchised in 1867 for, 72
by bribers, 413
by bribed, 414
punishment for, 463
vote struck off for, 439

BUILDING,
occupation of, qualification by, 17

CABS
not to be lent for conveyance of voters, 473

CAMBRIDGE UNIVERSITY
returns two members, 339
vote for town by college occupation, 71

CANDIDATE
may be his own agent, 448
may vote for himself, 432
definition of, 500
nomination of, 431
withdrawal of, 431
notice of withdrawal, 442
describing in nomination papers, 441
publishing false statement of withdrawal of, 470
joint expenses of, 506

CANDIDATES,
Table of Statutes disqualifying, 345

CANTERBURY,
disqualification of certain persons in, 72

CANVASSER,
paid, not allowed to be employed, 474

CAPACITY,
employment in unauthorized, 473

CARRIAGES,
loan of public, 473

CASTING VOTE
of returning officer, 432

CENTRAL CRIMINAL COURT,
trial at, 495

CERTIORARI,
exclusion of, by Registration Act, 1843 .. 109

- CHAMBERS,**
 qualification by occupation of, 55
- CHAMBERS, Judge in,**
 appointment of revising barristers by, 240
 in 1885 only, 240
- CHANDOS CLAUSE,**
 qualification of £50 rental voter by, 14
- CHARGES, all,**
 meaning of, 3
 forty-shilling freehold must be above, 3
 other ownership qualification must be above, 38
- CHARITIES,**
 disqualification by alma, 25
 municipal, medical relief from, 147
- CHARITY COMMISSIONERS,**
 disqualification of, as candidates, 373
- CHESTER,**
 disqualification of certain persons in, 72
- CIRCUITS,**
 appointment of revising barristers on, 86
 numbers of revising barristers on, 136
- CLAIM,**
 overseers to require persons to send in, 76
 as ownership voter in county, 76
 notice to send in claims, 76
 form of claim, 190
 list of claimants and register, list of voters, 77
 as occupation voter in county, 200
 as lodger in county, 200
 as occupation voter in borough, 81
 form of claim, 225
 list of claimants to be made, 82
 form of lists, 230
 general proof of, 154
 objection to claimant in Court, 92
- CLAIM OF SEAT,**
 lists of voters and objections upon, 541
- CLAIMANTS,**
 lists of, to be revised as lists of voters, 167
- CLAIMS (at election)**
 barred, 479
 disputed, 479
 taxed, 480
- CLERGYMEN,**
 disqualification of, as candidates, 362
- CLERK OF CROWN**
 to keep book of returns, 389
 to give notice of election to War Office, 410
 to retain ballot papers for a year, 446
- CLERK OF THE PEACE,**
 meaning of term in Registration Acts, 113
 who to act in particular areas, 171

CLERK OF THE PEACE—continued.

- general instructions to, 179
- to send precepts to overseers, 75
 - date of precept, 171
 - form of precept, 180
- to send supplemental precepts in 1885 .. 239
- to send lists to revising barrister, 88
- to give notice of Revision Courts, 89
- to attend first Revision Court, 90
 - and deliver lists to revising barrister, 90
- to receive revised lists, 99
 - to make up the register, 99
 - mode of making up, 168
 - to deliver register to returning officer, 99
- to account for money received, 102
- expenses of, how defrayed, 102
- remuneration of, 172
- action against, for wilful misfeasance, 111

CLERKS,

- appointed by agent, 478
- number allowed, 504

CLERKS IN OFFICES,

- disqualification of, as candidates, 353
- saving for certain officials, 354

CLUBS,

- non-political not to be committee rooms, 475

COCKADES,

- gift of, forbidden, 415
- payments for, forbidden, 473

COLLECTORS OF TAXES,

- disqualification of, as candidates, 346

COLLEGE,

- at Oxford or Cambridge, occupation in, 71
- right of occupier to vote, 71

COLONIES, Governors of,

- disqualified as candidates, 371

COMMISSIONER OF ADMIRALTY,

- sixth, disqualified as candidate, 371

COMMISSIONERS FOR OFFICES,

- in excess of legal number, disqualified as candidates, 351, 377

COMMISSIONERS OF POLICE,

- disqualification of, as candidates, 373

COMMITMENT FOR TRIAL

- by election court, 492

COMMITTEE ROOMS,

- illegal payment for excessive, 469
- licensed premises not to be, 475
- defined, 502

COMPANIES,

- contracts for public service by, 356
- not to disqualify, 356

CONSOLIDATION OF APPEALS

- may be directed by revising barrister, 96
- naming of appellant, 96
- of respondent, 97
- party interested may sever, 98

CONSTABLE,

- disqualification of borough, 34
- metropolitan, 12
- county, 28
- attendance at poll, 407
- voters need not serve as special, 415

CONTEMPT OF ELECTION COURT,

- warrant for, 547

CONTRACTOR

- for public service, disqualified candidate, 355

CONVEYANCE,

- illegal payments for, 469
- of voters by sea, 495

CONVICTION FOR FELONY,

- disqualification by, for sitting or voting, 52, 380

COPYHOLD,

- qualification by, 38

CORRUPT PRACTICE,

- disqualification to sit for, 386
- table of contents of Act of 1883.. 465
- definition of, 467
- punishment for, 468
- persons charged with, found guilty of illegal practice, 496
- for giving wages at election, not to be, 519

COSTS (Corrupt Practices),

- to prosecutor in case of bribery, 415
- to defendant, 415
- by county or borough, of petition, 493, 498
- of prosecutions, 498
- defined, 503
- security for, of petition, 523
- of election petition, 534
- enforcing, 545
- taxation of, 549

COSTS (Registration),

- at revision court, 89
- of frivolous proceedings, 89
- up to £5, 125
- of objections, 152
- up to 40s., 152
- order for, not removable, 109
- of appeal from revising barrister, 108
- payment of, by town clerk or clerk of peace, 161
- of consolidated appeals, 97

COUNSEL

- may not appear for party at revision court, 94

COUNTERFOIL,

- numbers on, 445
- inspection of, 446

COUNTERMAND OF POLL,
on death of candidate, 431

COUNTIES,
divisions of, under Act of 1885..260
names and contents of divisions, 293
divisions prior to 1885 to cease, 260
list of parliamentary, 339

COUNTING,
of votes, process of, 445
agents for, 445, 448
hours for, 445
assistants, 447

COUNTING-HOUSE,
occupation of, qualification by, 17

COUNTY,
ownership voters in, 2, 3
occupation voters in, 62
by inhabitancy of dwelling-house, 59
of lodgings, 59
no vote for by borough qualification, 15
under Act of 1884..62

"COUNTY OCCUPATION FRANCHISE,"
meaning of, in Act of 1884..63

COUNTY OF CITY OR TOWN,
forty-shilling freeholder in, 7

COUNTY COURT JUDGES,
disqualified as candidates, 376

COURT
of revision, notice of sittings of, 89
seven days' notice, 89
in counties, 167
adjournment of, 94
evening sittings of, 134
High, sittings on appeal of, 104

CROWN,
office-holders under, disqualified candidates, 349, 378
demise of, no dissolution, 427

CROWN OCCUPATION
exempt from rates, 65
inhabitant occupier to be placed in rate-book, 65

CUSTOMARY TENURE,
qualification by, 39

CUSTOM-HOUSE OFFICERS,
disqualification of, as candidates, 348

DATES,
of payment of rates, 33
computation of period of qualification, 141
in counties, 173
alteration of, for 1885..241
things to be done in order of date, in counties, 185
in boroughs, 214

- DEATH OF CANDIDATE,**
 countermand of poll on, 431
- DEATH OF MEMBERS,**
 electing on, 391
- DEATHS,**
 notice of, to overseers, 143
 expunging names by revising barrister, 153
- DECLARATION**
 of secrecy by officers, 448
 form of, 452, 507, 510
 of expenses, 481
 false, perjury, 482
- DEFENDANT**
 may give evidence, 497
- DEPOSIT**
 by way of security for petition, 542
 claims on, 552
- DEPUTY SHERIFF**
 in divided counties, 486
- DISQUALIFICATION OF CANDIDATES,**
 collectors of taxes, 346
 Custom-house officers, 348
 officers of excise, 368
 infants, 347
 women, 347
 aliens, 348
 Middlesex Registrar, 352
 English judges, 382
 Irish judges, 367, 374, 382
 Irish assistant barristers, 373
 land judge of Ireland, 374
 County Court judges, 376
 Scotch Session judges, 353
 Scotch sheriffs, 354
 pensioners, 349, 352, 378
 peers, Irish, 357
 clerks in offices, 353
 contractors for public service, 355
 clergymen, 362
 Roman Catholic priests, 369
 auditor of Civil List, 365
 Irish offices, 359, 366
 Scotch offices, 367
 Irish Registrar of Deeds, 371
 police magistrates, 370, 372
 commissioners of police, 373
 Irish constabulary officers, 372
 Land Commissioners, 372
 revising barristers, 87
 recorders, 382
 Ecclesiastical Commissioners, 373
 Charity Commissioners, 373
 India, members of Council of, 374
 for new offices under the Crown, 349, 378
 commissioners in excess of legal number, 351, 377
 Sixth Commissioner of Admiralty, 371

DISQUALIFICATION OF CANDIDATES—continued.

Fifth Secretary of State, 374
West Indian Commissioners, 373
Governors of India and Colonies, 371
Commissioner of Works in Ireland, 371

DISQUALIFICATIONS, list of,

for sitting in Parliament, 345
for voting, 36
for corrupt practice, 468, 469

DISSOLUTION OF PARLIAMENT,

Redistribution of Seats Act to take effect on, 257, 258
not necessitated by demise of Crown, 427
the Septennial Act, 391

DISTANCE,

borough occupier must reside within seven miles, 18
freeman, 22
scot and lot voter, &c., 23
measurement of, 32

DISTRESS,

recovery of costs or fines by, 109

DIVIDED BOROUGH,

list of divided boroughs, 236
number, names, and contents of divisions, 278
conduct of registration in, 237
successive occupation in, 236
registration of non-resident freemen, 297

DIVIDED COUNTIES,

all English counties but Rutland and I. of Wight, 261
divisions before 1885 cease, 260

DOUBLE ENTRY,

on borough lists, treatment of, 155
 selection by party of entry to be retained, 155
 duty of barrister where no such selection, 169
on municipal lists, where wards, 155
on more than one division of divided borough, 170
on county lists, treatment of, 168
 Act of 1878 not to apply, 168
 selection of entry by party, 168
 duty of barrister where no selection, 169

DOUBLE RETURNS

forbidden, 389
penalty for procuring, 389

DOWER,

voting by second husband of woman entitled to, 9

DUPLICATE ENTRY

on borough lists, 155
on county lists, 168
And see DOUBLE ENTRY.

DWELLING-HOUSE,

qualification by, in boroughs, 35
in counties, 59

-
- ECCLESIASTICAL COMMISSIONER,**
disqualification of First, as candidate, 372
- EDUCATION, Council of,**
Vice-President of, qualified as candidate, 373
- ELECTION,**
table of statutes relating to, 388
- ELECTION AGENT,**
nomination of, 476
re-nomination on death, 477
remuneration of, 480
- ELECTION COMMISSIONERS**
defined, 501
- ELECTION COURT**
to report on illegal practice, 471
defined, 501
- ELECTION LIST**
made by Master, 545
- ELECTION PETITION,**
affidavits on withdrawing, 489
defined, 501
- ELECTOR,**
disqualification of, by corrupt practices, 460
defined, 501
- EQUITABLE ESTATES,**
qualification by, 30
dissenting ministers, 30
inmates of hospitals, 30
- ERROR**
in return of expenses, 482
excuse of, by Court, 483
- EVENING SITTINGS**
of revising barrister in boroughs, 134
in counties, 167
- EXCEPTION**
from consequences of illegal practices, 476
- EXCESSIVE EXPENDITURE,**
illegal practice, 470
- EXCHEQUER, Chancellor of the,**
appointed for Ireland, 367
made a Master of the Mint, 380
- EXCISE, officers of,**
disqualification of, as candidates, 368
qualification of, as electors, 50
- EXCUSE**
for corrupt practice, 475
- EXPENSES OF ELECTION,**
not incurred through agent not recoverable, 478
petty, 480
candidate's personal, 480
return of, 481
maximum of, 605

EXPENSES OF REGISTRATION,

- how defrayed in counties, 102
 - expenses of clerk of the peace, 128
 - under Acts of 1884 and 1885 .. 172
 - remuneration of barrister, 104
- how defrayed in boroughs, 102
 - town clerks and returning officers, 102
 - fees of town clerk, 128
 - in municipal borough, 158
 - remuneration of barrister, 104
 - for municipal revision, 159

FAGGOT VOTES,

- conveyance to procure, void, 4, 6
 - operates to pass estate, 5
- no vote for rent-charge, 60
 - except tithe rent-charge, 60
- no vote by more than one joint tenant, &c., 61
 - except where interest derived by descent, 61
- saving for rent-charges and joint tenancies before 1884 .. 66

FAILURE

- to make return of expenses, 482, 483

FEMALE

- may not vote, 36
 - for county, 3
- may vote at municipal election, 147

“FIFTY POUNDS RENTAL VOTER,”

- meaning of this term, 177

FINE

- of overseers by revising barrister, 101
 - not less than 20s. nor more than £5 .. 101
 - mode of imposing fine, 101
 - under Act of 1878 .. 158
- to whom fines payable, 101
- no appeal against, 109
- recoverable by distress, 109

FLAGS,

- payments for, illegal, 473

FOREIGNER

- may not sit or vote, 51
- And see ALIEN.

FORMS

- of precepts, claims, &c., under Registration Acts, 176
- under Act of 1885, substituted for prior forms, 176
 - complete table of, 164
 - effect of disregard of, 176
- relating to freemen under Registration Act, 115
 - to City of London, 117
- of writ, 449
- of notice of election, 449
- of nomination paper, 450
- of ballot paper, 451
- directions to guide voters, 452
- of declaration of secrecy, 452
- of declaration of inability to read, 452

FORMS—continued.

- of election petition, 540
- of notice of trial, 545
- of subpoena, 546
- of warrant for contempt, 547
- notice for leave to withdraw petition, 548

FORTY-SHILLING FREEHOLDER,

- qualification of, for vote, 2
 - restriction on where ownership for life, 13
 - where rent-charge, 60
- six months' possession of, 16
- registration of, 165
- See OWNERSHIP VOTER.*

FREE LAND OR TENEMENT,

- qualification by, and meaning of, 3

FULL AGE,

- meaning of, 36
- disqualification of infant, 5

FURNISHED HOUSE,

- letting for four months not to disqualify, 55
- for municipal franchise, 148

GARDENER,

- tenure of house by service not to invalidate vote, 60

GAZETTE,

- publication of Speaker's deputation in, 393

GLOUCESTER,

- disqualification of certain persons in, 72

GROUND OF OBJECTION

- must be stated, in county, 122
 - voter's right not otherwise to be questioned, 123
 - each ground to be treated separately, 124
- must be stated, in borough, 152

HACKNEY CARRIAGES,

- employment of, illegal, 473

HIRING

- what is illegal, 473

HOSPITALS,

- inmates of, qualification of, 31
- admission into metropolitan, 57

HOURS

- of poll, 515

HOUSE,

- occupation of £10, in borough, qualification by, 17
 - or part of house, 55
 - "borough occupation franchise," 63
- occupation of £10, in county, 62
- dwelling-house in borough, qualification by, 35
 - or part of house, separately occupied, 55
- dwelling-house in county, qualification by, 59
 - "household qualification," 63

HOUSE OF COMMONS,
decisions of High Court binding on, 107

HUSBAND
may give evidence, 497

IDENTITY
of voter, inquiry as to, at election, 404
of University voter, declaration of, 422

ILLEGAL HIRING
hackney carriage, 473

ILLEGAL PAYMENTS
amounting to illegal practice, 469
not so amounting, 473
punishment for, 475

ILLEGAL PRACTICES,
disqualification to sit for, 386
illegal payments amounting to, 469
punishment on conviction for, 471
Election Court to report on, 471
time to present petition alleging, 488

ILLITERATE PERSONS,
voting by, 444

INABILITY TO READ,
form of declaration, 452

INDEMNITY
to witnesses answering truly, 499

INDIA, Members of Council of,
disqualification of, as candidates, 374
of governor of, 371

INDICTMENTS,
allegations in, 423
ordered by Election Court, 492
defined, 502

INFANTS,
disqualification of, from voting, 5, 17, 35
meaning of "full age," 36
disqualification, as candidates, 347

INHABITANT OCCUPIER,
of dwelling-house, qualification of, 35
in county, 59

INITIALS
of revising barrister to corrections, 94

INQUIRY AT POLL
as to identity of voter, 404
as to previously voting,

INSPECTION
of ballot papers, &c., 446
of returns of expenses, 484

INTERLOCUTORY PROCEEDINGS
in petition, 547

INTERPRETATION CLAUSE,

- of Reform Act, 1832 .. 27
- of Registration Act, 1843 .. 113
- of Representation of People Act, 1884 . 67
- of Registration Act, 1885 .. 177
- of Redistribution of Seats Act, 1885 .. 265
 - of schedules of, 263
 - of acceleration clauses of, 242
- of Ballot Act, 438, 448
- of Corrupt Practices Act, 501
- of Election Petitions Act, 522

IRISH ASSISTANT BARRISTERS.

- disqualification of, as candidates, 373

IRISH CONSTABULARY,

- disqualification of, as candidates, 372

IRISH OFFICES

- disqualifying candidates, 359, 366

IRISH REGISTRAR OF DEEDS,

- disqualification of, as candidates, 371

JEWS,

- voting by, on Saturdays, 444

JOINT OCCUPIER,

- qualification of, in borough, 19
 - in county, 42
 - only two, 42
- of lodgings, qualification of, 56
 - only two may vote, 56
- of dwelling-house, 35
 - no title to be registered, 35

JOINT OWNER,

- only one may vote, 61
 - saving for title by descent, &c., 61
 - saving for rights before Act of 1884 .. 66

JUDGES, disqualification of, as candidates,

- English judges, 382
- Irish judges, 367, 374, 382
- Scotch Session judges, 353
- County Court judges, 376
- Land judge of Ireland, 371
- reception of election, 531
- expenses of, 531

JUDICIAL OFFICE,

- disqualification for, 469
- defined, 582

JULY,

- last day of, formerly end of qualifying period, 56
- last day of, altered to fifteenth, 56
 - in respect to county registration, 173

JURISDICTION

- of Election Court, 531

JURY,

- option of, by person charged before Election Court, 491

JUSTICES OF THE PEACE

reported guilty to be dealt with, 486

JUSTIFYING SURETIES

on election petition, 544

KNARESBOROUGH,

disqualification of certain persons in, 72

LAND,

qualification by ownership of, 2
by occupation of, 62
in borough, by Act of 1884 .. 62

LAND COMMISSIONERS,

disqualification of, as candidates, 372

LAND JUDGE OF IRELAND,

disqualification of, as candidate, 371

LAND TAX REDEMPTION COMMISSIONERS

qualification of, as candidates, 364

LANDLORD,

payment of rates by, 46
qualification of tenant, 48

LICENSED PERSONS

reported guilty, or convicted, to be dealt with, 486

LICENSED PREMISES

not to be committee rooms, 474

LIFE, freehold for,

qualification by, must be of £5 value, 38
or actually occupied, 13
rent-charge cannot be occupied, 13

LIMITATION

for prosecution under Corrupt Practices Act, 496

LISTS,

for counties,

forms of, to be printed and sent to overseers, 75
of ownership claimants to be published, 76, 186
to be deemed voters' lists, 77
form of list, 191
of occupation voters to be published, 187
form of list, 198
of persons objected to, 78
forms of lists, 203
delivery of, to revising barrister, 90
abstract of, 88
delivery of revised, to clerk of the peace, 99
by polling districts, 168

for boroughs,

forms of, to be printed and sent to overseers, 79
of occupation voters to be published, 80, 215
of freemen, by town clerk, 81
forms of lists, 222
of freemen's lists, 115

LISTS—continued.*for boroughs—continued.*

- "Old Lodgers Lists," 150
 - form of list, 263
- of occupier claimants, 216
 - forms of lists, 229
- of lodger claimants, 216
 - form of list, 230
- of persons objected to, 83
 - forms of "objection lists," 231-3.
- delivery of, to revising barrister, 90
 - of abstracts of claim and objection lists, 88
- revision of parliamentary and municipal together, 145
- delivery of revised to town clerk, 100

for counties and boroughs,

- mode of publication of, 85
- period of publication, 85
- effect of imperfect publication, 86
 - of non-publication, 86
- correction of mistake in, by revising barrister, 153
- "Corrupt and Illegal Practices Lists," 487

LOCAL GOVERNMENT BOARD,

- President and Secretary qualified to sit, 381

LODGER,

- qualification of, in borough, 37
 - in county, 59, 63
- distinction between, and householder, 37
- meaning of the term, 37, 55
- additional lodgings, 56
- successive lodgings, 56
- in joint lodgings, two may be registered, 56
- claim by, and registration of, 127
 - claim by, if already on register, 149
 - "Old Lodgers List," 149, 223
- form of claim of, and declaration, 200
 - declaration *prima facie* evidence, 150

LONDON, City of,

- electors may reside within twenty-five miles, 43
- returns two members, 258
- voting by liverymen, 402, 407

LONDON, University of,

- returning officer, 425
- special election rules, 425, 426
- voting papers for elections in, 419, 429

LORD LIEUTENANT,

- holders of office under, 360
- under successor, 365

MACCLESFIELD,

- disfranchisement of, for corruption, 258
 - of certain persons in, 72

MAGISTRATES, POLICE,

- disqualified as candidates, 370, 372
- Dublin, 372

MARKS OF DISTINCTION,

- payments for, illegal, 473.

MAXIMUM OF EXPENSES,

- personal expenses, 480
- miscellaneous matters, 505
- maximum scale, 505

MAYOR,

- returning officer, 456

MEDICAL RELIEF

- included in parochial relief so as to disqualify, 25
- removal of disqualification, 73

MEMBERS OF HOUSE OF COMMONS,

- issuing warrant for election during recess, 392, 418

MESSENGERS

- appointed by agent, 478
- number allowed, 504

MIDDLESEX REGISTRAR,

- disqualification of, as candidate, 352

MINORS,

- may not sit or vote, 5
- See* INFANT.

MISNOMER

- of person, place, &c., not to hinder registration, 114
- in rate, not to hinder, 110

MISTAKE,

- in list, must be corrected by revising barrister, 153
- in claim or notice of objection may be corrected, 153

MONEY

- defined, 503

MORTGAGED ESTATES,

- mortgagee may not vote, 31
- mortgagor may, 31
- deduction of "charges" for qualifying value, 3

MUNICIPAL BALLOT BOXES

- at parliamentary elections, 438

MUNICIPAL BOROUGH,

- mayor of, returning officer, 464

MUNICIPAL FRANCHISE,

- conditions of, 147
- women possess, 147
- lodgers do not possess, 147
- effect of letting house furnished, 148

MUNICIPAL REGISTRATION,

- conduct of, together with parliamentary, 145
 - payment of expenses of, 158
 - remuneration of revising barrister, 159
 - delivery of lists to town clerk, 159
 - commencement of burgess roll, 160.
- conduct of in borough ceasing to be parliamentary, 170

MUSIC

- payments for, illegal, 473

NAVY OFFICERS

need not vacate seats, 351

NEWSPAPER,

advertisement in, of county revision court, 89

NOMINATION

to be in writing, 431

by proposer, seconder, and eight electors, 431

mode of, and time of, 431

delivery of nomination paper, 441

form of nomination paper, 450

description of candidate, 441

public notice of persons nominated, 442

objections to, 442

disallowance final, 442

allowance may be questioned on petition, 442

candidate withdrawing, 431

forging, &c., nomination paper, 432

forms supplied to electors, 441

NON-COMPLIANCE WITH RULES

not to avoid election, 437

NOTICE, ELECTION,

of vacancy to Speaker, 393, 417

of election at Universities, 394

of elections to War Office, 410

of place and time of election, 440

of day of poll, 442

of withdrawal of candidature, 442

of candidates nominated, 442

notice of polling stations, 443

of result of elections, 447

additional, of election, 460

agents' office for receiving, 478

service of, 500

of trial of election petition, 545

of abatement of petition, 549

NOTICE, PUBLIC,

in county, for claims, to be sent in, 76

of persons claiming, 77

of persons objected to, 78

in borough as to obligation to pay rates, 79

of persons entitled to vote, 80

of freemen, 81

of persons claiming or objected to, 83

mode of publication in counties and boroughs, 85

at post and telegraph offices, 142, 165

of sittings of revision court, 89

seven days' notice sufficient, 89, 167

NOTICE, REGISTRATION,

mode of service of, 114

of objection to overseers, 77, 92

to party objected to, 78, 92

grounds to be specified, 122

in borough, 152

of rates in arrear, 126

OATH

to be taken at poll, 404

OBJECTION

- by any person on register (counties), 77
- by any person on voters' list (boroughs), 82
- notice of (counties), 77
 - grounds to be specified, 122
- burden of proof on objector, 154
 - notice of objection must be proved, 154

OBJECTION TO NOMINATION,

- returning officer to decide on, 442
 - disallowance final, 442
 - allowance may be questioned on petition, 442

OCCUPATION,

- of £10 land or tenement, qualification by, 62
 - conditions in county, 39
 - conditions in borough, 17
- of dwelling-house, qualification by, 59
 - conditions of, 35
- of lodgings, qualification by, 59
 - conditions of, 37
- of freehold for life, 13
 - rent-charge cannot be occupied, 13

OCCUPATION VOTER,

- registration of, in counties, 165
- meaning of term, 177

OCCUPIER, inhabitant,

- of dwelling-house, 35
- qualification of, to vote for borough, 35
- for county, 59

OCCUPIER, "land or tenement,"

- of £10, qualification of, 62

OFFICE,

- occupation of, qualification by, 55
- tenure of house by, not to invalidate vote, 60

OFFICES

- for election and sub-agents, 478

OFFICES UNDER THE CROWN,

- holders of, disqualified candidates, 349, 378
- acceptance of, in succession, 378

OMNIBUS, PUBLIC,

- not to be lent for conveyance of voters, 473

OVERSEERS,

- meaning of term, 113
- what they are to do in counties, 180
 - in order of date, 185
- what they are to do in boroughs, 209
 - in order of date, 214
- mode of serving notices on, 114
- revising barrister may fine, 101
 - under Act of 1878 .. 158
- inquiry by, as to inhabitant occupiers, 64
- preparation of lists in counties by, 76
 - in boroughs, 80

OWNERSHIP VOTER,

- registration of, 165
- meaning of term, 176

- OXFORD,**
disqualification of certain persons in, 72
- OXFORD UNIVERSITY**
vote for city by college occupation, 71
returns two members, 342
- PAROCHIAL RELIEF,**
disqualification by receipt of, 25
in county, 43
overseers to omit disqualified persons, 43
supply of names to overseers, 144
by clerk to guardians, 175
to any person registered, 175
removal of disqualification for medical, 73
- PARTICULARS**
of grounds of objection, 122
in borough, 152
of petition, 540
- PART OF HOUSE, &c.,**
included in term house, 55
separate occupation of, though other part jointly used, 55
- PARTNERS,**
more than two may vote for a joint occupation, 42
- PAUPERS,**
disqualification of, 25
And see PAROCHIAL RELIEF.
- PAYMASTER-GENERAL**
a qualified candidate, 371
- PAYMENT**
to be through agent, 478
defined, 503
persons legally employed for, 504
- PEERS**
disqualified from sitting, 358
and voting, 36
electing, on members becoming, 391
- , Irish,
disqualification of, as candidates, 357
- , Scotch,
disqualification of, 358
- PENALTIES**
on defaulting officers, 401, 409
- PENSIONERS,**
disqualification of, as candidates, 349, 352, 378
civil and diplomatic, qualified, 379
- PERJURY,**
removal of incapacities on proof of, 494
- PERSON**
defined, 502
legally employed for payment, 504

PERSONAL EXPENSES

defined, 502

PERSONATION,

apprehending person charged with, 405

bail for, 406

compensation on false charge of, 407

definition of, 438, 513

appointment of personation agent, 405

agents, 405

PETITION, ELECTION,

by whom presented, 522

mode of presenting, 539

form of, 540

PEW,

right to sit in, no qualification by, 3

PLACARDS,

printer's name on, 474

PLACE OF ELECTION

in divided counties, 518

POLICE,

disqualification of, 12, 28, 34

And *see* CONSTABLE.

POLICE MAGISTRATES,

disqualification of, as candidates, 370

POLL,

adjournment of, for riot, 400, 402

duration of, in boroughs, 402

questions at, 403

in what event to be taken, 431

to be taken by ballot, 431

hours of, 515

appointing day of, 442

POLL BOOKS,

custody of, 408, 446

POLLING AGENT

appointed by election agent, 478

defined, 502

POLLING DISTRICT,

completion of revision in, 168

appointment of, by local authority, 167, 434, 494

claim to vote in particular, 91

constitution of, in counties, 424, 494

in boroughs, 424, 434, 494

POLLING PLACE,

holding of revision court at each, 89

POLLING STATIONS OR BOOTHS

in counties, 398, 442

voters to poll at, for his district, 399

candidate to pay for, 400

limit of expense for, 400

cost of each, 400

rooms instead of, 425

notice of, 443

POOR RATES,

relief out of, a disqualification, 25

See PAROCHIAL RELIEF.

payment, &c., of, condition of qualification, 35

See RATE.

POST,

notice of objection may be sent by, 111

POSTMASTER-GENERAL

qualified as candidate, 377

delivery of writs to, 394

notice of returning officer's officer to, 395

POST OFFICE,

publication of notices at, 142

as to ownership voters, 165

POTWALLER,

qualification of, 10

meaning of term, 11

reservation of rights of, 23

PRECEPTS,

by clerk of peace to overseers, 75

form of precept, 180

by town clerk to overseers, 79

form of precept, 208

supplementary, in 1885 .. 239

as to removal of disqualification for medical relief, 73

PRESIDING OFFICER

at poll, powers of, 437

appointment of, 443

removal from station by, 446

liability of, for misconduct, 437

returning officer may be, 447

delegation to clerks, 447

fee of, as amended, 520

PRIESTS, ROMAN CATHOLIC,

disqualified as candidates, 369

PROCLAMATION,

thirty-five days between, and Parliament, 410

PROHIBITED PERSONS

voting, 470

persons guilty of corrupt or illegal practice, 484

PROPERTY TAX,

non-payment of, no disqualification, 29

not a "charge" to be deducted from value, 7

PROROGATION,

trial of petition to proceed, 529

PUBLICATION

of notices, &c., under Registration Acts, 85

on churches and chapels, 85

at post and telegraph offices, 142, 165

period of publication, 85

penalty for hindering, 86

effect of imperfect publication, 86

PUBLIC CARRIAGES,
loan of, illegal hiring, 473

PUBLIC HOUSES,
no poll in, 412

PUBLIC OFFICE,
disqualification for, 469
defined, 502

PUBLIC PROSECUTOR,
report to, by commissioners, 487
may be heard on withdrawal of petition, 490
to attend trial of petition, 491
his representative, 492

PUBLIC ROOM,
use of, for poll, 435

QUALIFICATION OF CANDIDATES,
See also DISQUALIFICATION OF CANDIDATES.
Commissioners of the Treasury, 346, 366
Land Tax Redemption Commissioners, 364
President of the Board of Trade, 368
Secretary of Board of Trade, 378
Council of the Admiralty, 369
Paymaster-General, 371
First Commissioner of Works, 373
Vice-President of Council of Education, 373
Postmaster-General, 377
Financial Secretary of War Office, 380
Officers of Bank of England, 353

QUALIFICATION OF ELECTORS
in county, by ownership, 2, 38
by occupation, 62
of dwelling-house, 59
of lodgings, 59
in borough, by occupation, 62
of dwelling-house, 35
of lodgings, 37
as freemen, 21
as scot and lot voter, &c., 23

QUESTIONS AT THE POLL,
repeal of, with exceptions, 403

QUESTIONS RESERVED
by Election Court, 528

RATES, POOR,
payment, &c., of, condition of registration, 17
of £10 borough occupier, 17
of £10 county occupier, 39
of borough inhabitant occupier, 35
of county inhabitant occupier, 59, 63
date of payment of, 33
payment of, by landlord, effect of, 48
corrupt payment of, bribery, 44, 226
when poor rate made, 49

RATING ACTS,
meaning of, in Act of 1884 .. 64

-
- RECESS,**
election during, 391, 418, 422
- RECOGNIZANCE**
as security for petition, 524
when estreated, 535
form of, 543
objecting to, 544
- RECORDERS,**
disqualification of, as candidates, 382
- RECRIMINATION**
on claim of seat, 537
- REFRESHMENT HOUSES**
not to be committee rooms, 474
- REGISTER,**
conclusiveness of, at election, 435
commencement and duration of, 130, 160
in year 1885.. 241
conclusive of qualification, 403
defined, 502
- REGISTRAR**
of Middlesex, disqualified as candidate, 352
Irish, of deeds, disqualified as candidate, 371
of Election Court, 546
- REGISTRATION ACTS,**
meaning of "Registration Acts," 63
table of the Acts, 74
- REGISTRATION OFFICER,**
breach of duty by, 500
defined, 501
- REJECTED BALLOT PAPERS,**
what are, 445
- RELIEF**
from *prima facie* illegal practice, 476
for failure or error in return of expenses, 484
parochial, disqualification by, 25
See PAROCHIAL RELIEF.
- RENT-CHARGE,**
is a freehold, 3
cannot be occupied, 13
held for a life and below £5 does not qualify, 13
created after 1884 does not qualify, 60, 66
except rent tithe-charge, 60
- REPORT**
of Election Court, 527
as to corrupt practices prevailing, 527, 528
- REQUISITION**
by overseers for names of occupiers, 64
mode of service of, 64
after 1885.. 195
instructions, 196

RESERVED RIGHTS,

- under Reform Act, 1832 .. 23
 - of freemen, 22
- voters by, list of, preparation of, 148
 - form of, 223
- under Representation of the People Act, 1884 .. 66

RESIDENCE,

- meaning of term, 38
- qualification by, for "borough occupation franchise," 18
 - must be within seven miles, 18
 - or twenty-five from city of London, 43
- measurement of distance, 32
- of freemen, 21
- of persons having reserved rights, 23
- of inhabitant occupiers, 35
- of lodgers, 37

RETURNING OFFICER,

- in municipal boroughs, 464, 517
- in boroughs not municipal, 397, 516
- in parliamentary borough becoming municipal, 428
- in divided boroughs, 517
- at Universities, 411
- casting vote of, 432
- to provide necessities for election, 436
- expenses of, 436, 481
- amendment of expenses of, 520
- direction of writs to, 411
- must not act as agent, 427
- deputy, in divided counties, 436
- to prosecute for personation, 439
- payments to, by candidates, 457
- security required by, 458
- bill of charges, 458
- reduction of amount in uncontested election, 516
- taxation of charges, 459
- scale of charges, 460
- summary of election expenses, 484
- breach of duty by, 500
- action against for misfeasance, 111
 - for neglect to return, 536

RETURN OF EXPENSES,

- contents of, 481
- supplementary, 482
- open to inspection, 484
- form of, 508

RETURNS,

- double, forbidden, 389
- book of, kept by Clerk of Crown, 389
- making, 447

REVENUE COLLECTORS,

- enfranchisement of, 46

REVISING BARRISTERS,

- appointment of, by judges, 86, 243
 - to be in July or August, and during circuit, 86
- number of as fixed by Order in Council, 134
 - Order in Council fixing, 135
- qualification of, seven years' standing, 138
- special provisions for 1885 .. 240
 - appointment by judge in chambers, 240

REVISING BARRISTERS—*continued.*

- powers and duties of, 153, 167
- substitute for, 88
- remuneration of, 104
 - for municipal revision, 159
- evening sittings of, in boroughs, 134
 - in counties, 167
- appeal from, by case, 94
 - by rule, 161
 - See* APPEAL.
- disqualification of, as candidates, 87

RIBBONS,

- payments for, illegal, 473

RIOT,

- adjournment of poll for, 400, 402
- by presiding officer, 437

ROLL

- of election petition agents, 537, 550

ROMAN CATHOLICS

- qualified as candidates, 369
- priests disqualified, 369

ROTA

- of election judges, 525, 554

RULE

- to compel revising barrister to state case, 161

RULES

- of Ballot Act, 440
- have effect of Act, 439
- effect of non-compliance with, 437

RULES OF COURT

- made for petitions, 530, 498

SANDWICH,

- disfranchisement of, for corruption, 258
- disqualification of certain persons in, 72

SAVINGS,

- under Reform Act, 1832..23
- under Representation of the People Act, 1867..44
- under Representation of the People Act, 1884..66

SCHOOL,

- use of, for poll, 435
- not to be committee room, 474

SCHOOL BOARD,

- corrupt practice at election of, disqualification by, 53

SCHOOL FEES,

- relief from, no disqualification, 54

SCOTCH OFFICES

- disqualifying candidates, 367

SCOTLAND, Ministers of Church of,

- disqualified candidates, 362

SEA,

conveyance of voters by, 495

SEAT, Vacation of,

on accepting office under Crown, 350
saving for army and navy officers, 351
for yeomanry and Irish volunteer officers, 364
for English officers, 376
for militia officers, 364
for Scotch militia officers, 364

SECRECY,

poll clerks, &c., to maintain, 433
statutory declaration of, 448
form of, 452

SECRETARY FOR SCOTLAND

qualified as candidate, 387

SECRETARY OF STATE,

fifth, disqualified as candidate, 374

SECURITY

required by returning officer, 458

SEPTENNIAL ACT,

continuance of Parliament by, 391

SERVICE,

tenure of house by, not to invalidate vote, 60
address for, petitioner's, 541
of notice, 542
substituted, 542

SERVICE OF DOCUMENT

of requisition for names of occupiers, 64
of notice of objection, 78, 82
through the post, 111
of notices generally on overseers, 113
through the post, 113

SERVICE, PUBLIC,

contracts for, disqualify, 355
saving for companies, 356

SHERIFF,

returning officer in boroughs where vacancy, 412

SHERIFFS, SCOTCH,

disqualification of, as candidates, 354

SHOP,

occupation of, qualification by, 17

SHORTHAND WRITER

at trial of election petition, 529

SIGNATURE

of list by overseers, 76
of claimants, 77
of notice of objection, 78
in counties, 82
of revising barrister to each page of list, 94

SOLDIERS

to remain in quarters at election, 409
may go out to vote, 409
saving for Queen's guards, &c., 410

SOLICITORS

reported guilty to be dealt with, 486
on withdrawal of petition to make affidavit, 490
privilege of, 499

SPEAKER

issues warrant for election during recess, 386, 391, 418
report of withdrawal of petition to, 490
defined, 522

SPECIAL CASE

stated by Election Court, 527

SPOILT BALLOT PAPER,

what is, 444

STAGE CARRIAGES,

loan of, illegal hiring, 473

STREETS,

lists and registers may be arranged according to, 149

STUDIO,

occupation of, qualification by, 55

SUB-AGENTS

appointed by election agents, 477
office of, 480

SUBPÆNA,

form of, for election petition, 546

SUBSTITUTED PETITIONER

on withdrawal, 532

SUCCESSIVE OCCUPATION,

qualification by, in borough, 19
in divided borough, 72
qualification by, in county, 42
of lodgings in same house, 56

SUMMARY

of return of election expenses, 484

SUMMARY CONVICTION

before Election Court of corrupt or illegal practice, 485, 491
before justices of the peace, 497
appeal against, 497

SUMMARY JURISDICTION ACTS,

application of, 497
summary jurisdiction defined, 501

TABLES

of Qualifying Acts, 1
of Registration Acts, 74
of Election Acts, 388
of Election Petition Acts, 521
of Acts disqualifying candidates, 345
of parliamentary counties and boroughs, 393

TAXATION

of returning officer's charges, 459

TENDERED BALLOT PAPER.

what is, 444

TENEMENT,

- “Land or Tenement,” meaning of, 67
- qualification by occupation of, 62
 - in county or borough, 62
- qualification by ownership of, in county, 2, 3

TESTE,

- time between, and return, 390

TIME,

- reckoning, under Ballot Act, 448
- for presenting petition alleging illegal practice, 488

TITHE RENT-CHARGE,

- qualification by, 60

TOWN CLERK,

- meaning of, in Registration Acts, 113, 130
 - in London and Westminster, 103
 - where more municipal boroughs than one, 236
- general instruction to as to registration, 206
- to issue precepts to overseers, 79
 - form of precept, 208
 - date of issuing precept, 171
 - supplemental in 1885..239
 - as to medical relief, 73
- to publish list of freemen, 81
- overseers to deliver lists to, 83
- revising barrister to notify appointment to, 88
 - and receive abstract, &c., of lists from, 88
- revising barrister to give notice of Courts to, 89
- to publish notice of Revision Courts, 89
- to attend first Revision Court, 90
 - and deliver lists to revising barrister, 90
- may be made respondent on appeal, 96
 - on consolidated appeal, 97
 - order on, for costs, 161
- delivery of revised lists to, 100, 159
- arrangement of register by, 100
- delivery of register to returning officer, 100
 - in the year 1885..241
- sale of register by, 100
- defraying expenses of, 102, 128
- recovery of expenses by, 131

TRADE, BOARD OF,

- President, a qualified candidate, 368
- Secretary, a qualified candidate, 378

TREASURY, COMMISSIONERS OF THE,

- qualified, 366

TREATING,

- definition of, 466
 - candidates only liable for, under Act of 1854..66
 - other persons liable under Act of 1883..66
- vote struck off for, 439
- is “corrupt practice,” 467

TRIAL OF PETITION,

- de die in diem*, 491
- mode of, 525
- notice of, 526, 545
- adjournment of, 527, 546
- place of, 526
- postponing, 545
- before two judges, 554

UNDUE INFLUENCE

- at election, definition of, 467
- includes spiritual influence, 467
- is "corrupt practice," 467
- vote struck off for, 439

UNIVERSITIES,

- voting by voting papers at, 419, 429
- declaration by voter, 420, 422
- declaration of identity, 422
- substituted form, 429
- Ballot Act does not apply to, 440
- Oxford and Cambridge, voting at, 71
- London, returns one member, 42
- who are electors, 42
- election in, 394, 411
- duration of poll in, 411
- polling stations at, 411

VACCINATION

- not parochial relief, 34

VALUE, QUALIFYING (Borough),

- of house or building, &c., £10..62

VALUE, QUALIFYING (County),

- of freehold, 40s., 2
- meaning of terms, 3
- may be made up of parcels, 3
- of property held for life of owner, £5..38
- of leasehold £5..38
- of occupation, £10..60
- "£50 rental voter," 14

VOLUNTEER OFFICERS,

- need not vacate seats, 376

VOTE,

- to be by ballot, 431
- form of ballot paper, 451
- need not be disclosed by voter, 437
- must not be disclosed by officer, 433
- casting, of returning officer, 432
- to be struck off for bribery, treating, or influence, 439

VOTES,

- counting of, 445
- officer must maintain secrecy at, 433

VOTING

- by prohibited persons, 470

VOTING PAPER,

- voting by, at university elections, 419, 429
- form of voting paper, 422
- of declaration by party tendering voting paper, 429

WAGES,

- non-deduction of, for absence from work to vote, 519
- not to be corrupt practice, 519

WAREHOUSE,

- occupation of, qualification by, 17

WAR-OFFICE,

Financial Secretary of, a qualified candidate, 380

WARRANT

for contempt of Election Court, 547

WEST INDIAN COMMISSIONERS

disqualified as candidates, 373

WIFE

may give evidence, 497

WITHDRAWAL

of objection to registration, 152

notice must be given, 152

forms of notice, 205, 234

of candidature, 431, 442

corrupt, illegal payment, 473

publishing false statement of, 470

corrupt, from candidature, 473

of petition, 490, 532

WITNESSES,

parties to be competent in penal actions, 416, 497

obliged to answer incriminating questions, 499

summoning, before Election Court, 531

expenses of, 532

WOMAN

a disqualified candidate, 347

disqualified for parliamentary franchise, 36

though forty-shilling freeholder, 3

name to be expunged by revising barrister, 153

may not appeal, 95

name to be expunged on scrutiny, 436

disqualified from sitting in Parliament, 347

qualified for municipal franchise, 147

WORKS, FIRST COMMISSIONER OF,

a qualified candidate, 373

in Ireland disqualified, 371

WRIT FOR ELECTION,

time between teste and return of, 390

mode of conveyance of, 394

to sheriffs in London and Middlesex, 394

others to Postmaster-General, 395

offices for delivery of writs, 395

in London, Westminster, and Southwark, 396

form of, 449

YEOMANRY OFFICERS

need not vacate seat, 364

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